

# **TRANSCRIPT OF RECORD.**

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**SUPREME COURT OF THE UNITED STATES.**

**OCTOBER TERM, 1897.**

**No. 187.**

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**J. C. ANDERSON AND OTHERS, APPELLANTS,**

**v.s.**

**THE UNITED STATES.**

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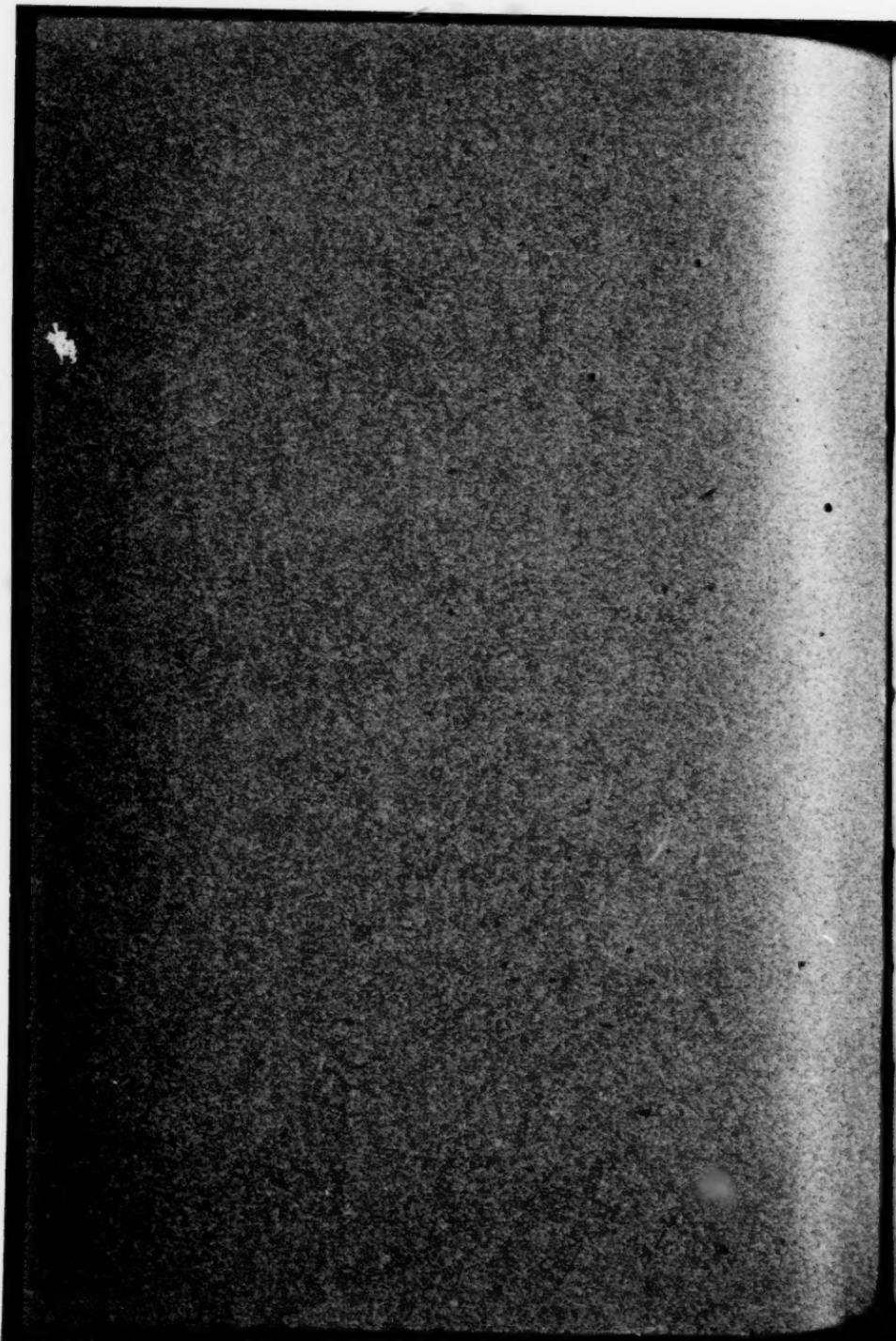
ON A CERTIFICATE FROM AND WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

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**CERTIFICATE FILED OCTOBER 12, 1897.  
CERTIORARI AND RETURN FILED NOVEMBER 12, 1897.**

**(16,692.)**

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(16,692.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 479.

J. C. ANDERSON AND OTHERS, APPELLANTS,

v.s.

THE UNITED STATES.

ON A CERTIFICATE FROM AND WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

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## 1 UNITED STATES OF AMERICA, ss:

The President of the United States of America to the honorable the judges of the United States circuit court of appeals for the eighth circuit, Greeting :

[Seal of the Supreme Court of the United States.]

Being informed that there is now pending before you a suit in which J. C. Anderson *et al.* are appellants and The United States is appellee, which suit was removed into the said circuit court of appeals by virtue of an appeal from the circuit court of the United States for the western district of Missouri, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said circuit court of appeals  
 2 and removed into the Supreme Court of the United States, do hereby command you that you send without delay to the said Supreme Court, as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the 26th day of October, in the year of our Lord one thousand eight hundred and ninety-seven.

JAMES H. MCKENNEY,  
*Clerk of the Supreme Court of the United States.*

UNITED STATES OF AMERICA, }  
 Eighth Circuit,                   } ss:

In obedience to the command of the within writ I herewith transmit to the Supreme Court of the United States a duly certified transcript of the record and proceedings in the within-entitled case, with all things concerning the same.

Seal United States Circuit Court of Appeals,  
 Eighth Circuit.

In witness whereof I hereto subscribe my name and affix the seal of said United States circuit court of appeals for the eighth circuit, at office in the city of St. Louis, Missouri, this ninth day of November, A. D. 1897.

JOHN D. JORDAN,  
*Clerk of the United States Circuit Court of Appeals,*  
*Eighth Circuit.*

[Endorsed:] Supreme Court of the United States, October term, 1897. No. 479. J. C. Anderson *et al.* vs. The United States. Writ of certiorari. Filed Oct. 29, 1897. John D. Jordan, clerk.

3 Pleas and proceedings in the United States circuit court of appeals for the eighth circuit, at the May term, 1897, of said court, begun and held at the United States court-house, in the city

of St. Paul, Minnesota, before the Honorable David J. Brewer, circuit justice, and Honorable Walter H. Sanborn and Honorable Amos M. Thayer, circuit judges.

[Seal United States Circuit Court of Appeals, Eighth Circuit.]

Attest:

JOHN D. JORDAN,  
*Clerk U. S. Circuit Court of Appeals, Eighth Circuit.*

Be it remembered that heretofore, to wit, on the twenty-third day of August, A. D. 1897, a transcript of record was filed in the clerk's office of the United States circuit court of appeals for the eighth circuit, pursuant to an appeal allowed by the circuit court of the United States for the western district of Missouri, in the case of J. C. Anderson and others, appellants, *vs.* The United States of America, appellee; which said transcript is in the words and figures following, to wit:

1      United States of America—set.

To United States—Greeting:

You are hereby cited and admonished to be and appear in the United States Circuit Court of Appeals for the Eighth Circuit, at the city of St. Louis, Missouri, sixty days from and after the day this citation bears date, pursuant to an appeal filed in the clerk's office of the Circuit Court of the United States for the Western Division of the Western District of Missouri, wherein J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex. Bradford, A. H. Bayless, R. A. Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohus, F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Egan, H. S. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fetters, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gossnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Holloway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, W. H. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating, F. T. Kearns, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. X. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levey, R. McMurtrie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney,  
2      C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swansen, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolfrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, R. P. Yocum, W. H. Yency, are appellants and you are respondents, to show

cause, if any there be, why the order and decree of temporary injunction rendered against the said appellants as in said appeal mentioned should not be corrected, and why speedy justice should not be done the parties in that behalf.

Witness, the Honorable John F. Philips, Judge of the District Court of the United States for the Western Division of the Western District of Missouri, this 2d day of August, in the year of our Lord one thousand eight hundred and ninety-seven.

JNO. F. PHILIPS, Judge.

United States of America,

Western Division of Western District of Missouri—ss.

I hereby acknowledge due service of the within citation this fourth day [—] August A. D. 1897.

JOHN R. WALKER,  
United States Attorney.

2196. Citation. Filed Aug. 4, 1897. Adelaide Utter,  
Clerk.

3 United States of America—set.

Be it remembered that heretofore, to wit, on the 7th day of June, A. D. 1897, there was filed in the office of the clerk of the Circuit Court of the United States, for the Western Division of the Western District of Missouri, a bill in equity in a cause wherein the United States of America is complainant and J. C. Anderson and others are respondents.

Said bill is in words and figures as follows, to wit:

In the Circuit Court of the United States, in and for the Western Division of the Western District of Missouri.

The United States of America, Plaintiff,

vs.

J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A. Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Egan, S. H. Farrer, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fettters, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A.

4 Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, H. W. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating, F. T. Kearns, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levey, R. McMurtrie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, Thomas Welch, R. P. Yocum, W. H. Yancy, Defendants.

5 To the Honorable Judges of the Circuit Court of the United States:

Your orator, the United States of America, by John R. Walker, United States Attorney for the Western District of Missouri, who acts in this behalf under the direction of the Honorable Joseph McKenna, the Attorney General of the United States, brings this, its bill of complaint against J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex. Bradford, A. H. Bayless, R. A. Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Crayercraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Egan, S. H. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fetters, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John

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6 C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woelrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, Thomas Welch, R. P. Yocum and W. H. Yancey, each of whom are citizens and residents of the Western Division of the Western District of Missouri, and thereupon your orator complains and gives the Court to understand and to be informed that each of the persons above named are members of a voluntary unincorporated association, known and designated as "The Traders' Live Stock Exchange;" that the government of the said Traders' Live Stock Exchange is vested in a board of eight directors all of whom are members of said Exchange; that in addition to said board of directors the officers of said Exchange are: President, vice-president, secretary and treasurer; that the business of said Traders' Live Stock Exchange is carried on and conducted by said board of directors and officers with the consent, knowledge and approbation of the defendants as members of said Traders' Live Stock Exchange at the Kansas City stock yards, situated in the city of Kansas City in the State of Missouri, and in the city of Kansas City in the State of Kansas and in a building owned by the Kansas City Stock Yards Company, which said building is so located that one-half thereof is situated in the State of Missouri, and the other half thereof in the State of Kansas; that of the above named defendants, about one-half thereof have offices and transact business in said stock yards and in said building within the State of Kansas, and the other one-half of said defendants have offices and transact business at said building and stock yards in the State of Missouri.

7 And your orator further shows to the Court that the Kansas City Stock Yards Company is a corporation owning, controlling, operating and managing the Kansas City

Stock Yards; that said stock yards are located in Jackson County, Missouri, and in Wyandotte County, Kansas, being located upon both sides of the State line between the States of Kansas and Missouri, and said stock yards consist of the yards, pens, chutes, railway tracks, sheds, scales, buildings and other means and appliances for receiving, yarding, feeding, selling, purchasing and shipping cattle, hogs and other live stock; that the Board of Directors and officers of said Live Stock Exchange, each of whom are defendants herein, transact its business partially in the State of Missouri and partially in the State of Kansas.

And your orator further shows to the court that the Kansas City Stock Yards is a public market and next to the market at Chicago in the State of Illinois, is the largest live stock market in the world; that a vast number of cattle, hogs and other live stock is received annually at the said Kansas City Stock Yards; that the said live stock are shipped from the states of Kansas, Nebraska, Colorado, Texas, Missouri, Iowa and Arkansas, and the Territories of Oklahoma, Arizona and New Mexico; that large numbers of live stock received at the Kansas City Stock Yards as aforesaid is for sale upon said market, and many head of said live stock are sold upon the market at the Kansas City Stock Yards as aforesaid, to buyers who reside in other states and territories, and who re-ship said stock to said states and territories and that a vast number of live stock which are received at the said Kansas City Stock Yards are shipped from the said States of Kansas, Nebraska, Colorado, Texas, Missouri, Iowa, Arkansas and the said Territories of Oklahoma, Arizona and New Mexico, to Chicago and other markets in the east; that said stock are shipped to said markets under contracts whereby the shipper is permitted

8 to unload said stock at the Kansas City Stock Yards, rest, water and feed the same and is accorded the privilege of selling said stock upon the Kansas City market if prices prevailing at the time justify such sale; and that many head of such stock so shipped as aforesaid, are thus sold upon the Kansas City market as aforesaid; that a large proportion of the live stock, consisting of cattle, hogs and sheep are sold to various packing houses situated in Kansas City, Missouri and in Kansas City, Kansas, and large numbers are sold for shipments to various other markets, particularly for shipment to Chicago, St. Louis and New York markets, and large numbers are sold for export to London and other European markets; that the cattle, hogs, and sheep so received annually at the Kansas City Stock Yards as aforesaid, are and constitute a part of interstate commerce between the various states and territories and especially between the States of Kansas, Ne-

braska, Colorado, Texas, Missouri, Iowa and Arkansas, and the Territories of Arizona, Oklahoma and New Mexico.

And your orator further shows to the Court that your orator has employed and stationed at the Kansas City Stock Yards its inspectors, who inspect the live stock received at said stock yards as aforesaid.

And your orator further shows to the Court that in the course of business at the said Kansas City Stock Yards, in the buying, selling, handling and re-shipment of cattle, the said cattle are moved and shifted from that part of said stock yards situated in the State of Kansas, to that part of the said stock yards located in the State of Missouri, and from that part of the said stock yards situated in the State of Missouri to that part of said stock yards located in the State of Kansas, according to the convenience of the said Kansas City Stock Yards Company; that in the sale and re-shipment of stock from said stock yards, a portion are sold and shipped from the State of Kansas, and a portion from the State of Missouri, the loading

9 pens and chutes of said Kansas City Stock Yards Company being situated in both said states and contiguous to each other as aforesaid; that said Kansas City Stock Yards afford to owners, shippers and dealers in live stock the only available means at that place for handling, selling and re-shipping live stock, and the only available market and place for those purposes within a distance of two hundred miles to the north, south and east of Kansas City, and for more than one thousand miles to the west thereof; and that by reason thereof, said Kansas City Stock Yards is the only available public market for the purchase and sale of live stock for a large extent of territory, constituting the states and territories of the United States hereinbefore named, and the only available means for the exchange of interstate traffic in said live stock between the states and territories aforesaid; that by reason of the business at said stock yards being transacted on both sides of the state line between Kansas and Missouri, and by reason of the fact that the live stock received, bought, sold, and re-shipped at said stock yards are transported from one state to another state of the United States and in the course of being so received, sold, delivered and re-shipped at the said stock yards are at times in the State of Kansas and at other times in the State of Missouri, the said business becomes and is interstate in its character, and the business and traffic in said live stock is interstate commerce, and that the business can only be regulated and controlled by Federal legislation.

And your orator further shows to the Court that these defendants and each of them, and divers other persons were prior to the month of March, 1897, engaged as speculators upon

and at the Kansas City Stock Yards as aforesaid; that is, in buying upon the market, re-selling upon the same market, and reshipping to other markets in other states the cattle so received at the Kansas City Stock Yards as aforesaid; that it is

10 and for years past has been, the daily custom and practice of these defendants and their associates together with divers other persons in the conduct of their business to purchase and sell live stock in the State of Missouri, which is at the time located at said stock yards in pens in the State of Kansas, and to purchase and sell live stock in the State of Kansas which is at the time located at stock yards in pens in the State of Missouri, and deliveries of said live stock are made on such purchases and sales from the State of Kansas to purchasers in the State of Missouri, and deliveries of said live stock are also daily made on such purchases and sales from the State of Missouri to purchasers in the State of Kansas.

And your orator further shows to the Court that all the live stock shipped to and received at the Kansas City Stock Yards as aforesaid, is consigned to commission merchants at said stock yards, which said commission firms take charge of said stock when it is received at said stock yards as aforesaid; that they sell said stock to the packing houses located at Kansas City, Missouri, and Kansas City in the State of Kansas, and they sell large numbers of said cattle to these defendants and to other persons who re-sell and re-ship the same.

And your orator further shows to the Court that these defendants, the said J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A. Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A. Dieckman, W. H. Embry, Charles W. Embry, A. N. Egan, S. H. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fettlers, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, H. W. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating, F. T. Kearns, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levy, R. McMurtrie,

S J. C. ANDERSON ET AL. VS. UNITED STATES OF AMERICA.

George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, Thomas Welch, R. P. Yocum and W. H. Yancey have unlawfully entered into a contract, combination and conspiracy in restraint of trade and commerce among the several states and with foreign nations in this, to wit: that they have unlawfully agreed, contracted, combined and conspired to prevent all other persons than members of the Traders' Live Stock Exchange as aforesaid, from buying and selling cattle upon the Kansas City market at the Kansas City Stock Yards as aforesaid; that the commission firm, person, partnership or corporation to whom said cattle are consigned at Kansas City as aforesaid is not permitted and cannot sell or dispose of said cattle at the Kansas City market as aforesaid to any buyer or speculator at the Kansas City Stock Yards unless said buyer

12 or speculator is a member of the Traders' Live Stock Exchange, and these defendants, and each of them, unlawfully and oppressively refuses to purchase cattle or in any manner negotiate or deal with or buy from any commission merchant who shall sell or purchase cattle from any speculator at the said Kansas City Stock Yards who is not a member of the said Traders' Live Stock Exchange; that by and through the unlawful agreement, combination and conspiracy of these defendants, the business and traffic in cattle at the said Kansas City Stock Yards is interfered with, hindered and restrained, thus entailing extra expense and loss to the owner and placing an obstruction and embargo on the marketing of cattle shipped from the states and territories aforesaid to the Kansas City Stock Yards.

And your orator further shows that in pursuance of the unlawful agreement, combination and restraint of trade as aforesaid, that the officers and Board of Directors of the said Traders' Live Stock Exchange have within three months last past imposed a fine upon certain of the members of the said Live Stock Exchange who had traded with persons, speculators upon the markets who were not members of the said Live Stock

Exchange, and within three months last past have imposed fines upon members of said Live Stock Exchange who have traded with commission firms at said Kansas City Stock Yards which said commission firms had bought from, and sold cattle to, speculators upon said market who were not members of the said Live Stock Exchange.

And your orator further avers that each of these defendants have been associating themselves together in said associations known as the Traders' Live Stock Exchange, and in carrying out the purpose and aims of said Exchange and by the conduct of business as aforesaid, at the Kansas City Stock Yards, agreed, combined, conspired and confederated together in violation of the laws of the United States, and particularly in violation of Section 1 of the Act of Congress approved July 13 2, 1890, entitled "An Act to protect trade and commerce

against unlawful restraints and monopolies," and in prosecution of said unlawful combination have agreed and confederated to hinder and delay the business of buying and selling cattle at the said Kansas City market as aforesaid, and have further in restraint of trade and commerce between the said states confederated together to prevent and restrain all other persons who are not members of the said Traders' Live Stock Exchange in the prosecution of the business in which the said defendants are engaged.

And your orator further shows to the Court that the object, aim and purpose of the defendants and their associates in organizing the Traders' Live Stock Exchange was and is to prevent the sale by any commission firm at the Kansas City Stock Yards of any cattle to any person who might be a buyer and speculator upon the market who is not a member of the said Live Stock Exchange.

In consideration whereof, and inasmuch as your orator is relievable only in the premises in this Honorable Court, where matters of this nature are properly cognizable and relievable, your orator respectfully prays that your Honors will order, adjudge and decree that the said Traders' Live Stock Exchange be dissolved, and that said defendants and each of them, be provisionally and permanently enjoined and prohibited from entering into or continuing in any sort of combination, contract, agreement or confederation to deprive the people engaged in shipping, selling, buying and handling live stock received from the states and territories aforesaid, and intended to be sold to the packing houses at Kansas City, Kansas, and Kansas City, Missouri, or to other persons or corporations, or intended to be shipped to other states and territor-

ries, or to foreign markets, from enjoying free access to the markets at Kansas City as aforesaid, and to the facilities afforded by the Kansas City Stock Yards as fully as the defendants and their associate members of the said

14 Traders' Live Stock Exchange.

And your orator further prays that said defendants and each of them, their servants, agents and employes, be provisionally and perpetually enjoined and restrained from enforcing the aims, objects and purposes of the said Traders' Live Stock Exchange, or of yielding obedience thereto; also from imposing or attempting to impose any fines or penalties upon any of their members for trading with any person at the said Kansas City Stock Yards; also from discriminating in any manner whatever against any person who is not a member of said Traders' Live Stock Exchange, solely because of such non-membership; also from refusing by united or concerted action to deal or trade with persons who are not members of the said Traders' Live Stock Exchange, solely because of such non-membership, or from dealing or trading with any commission firm who may transact business with any person not a member of said Traders' Live Stock Exchange; also from entering into any contract, combination or conspiracy, limiting or attempting to limit the right of any person in business at said Kansas City Stock Yards to freely deal in live stock thereat.

And your orator also prays for such other, further or different relief herein, with its costs, as equity may warrant or to the Court may seem meet. To the end therefore, that said defendants may, if they can, show why your orator should not have the relief herein prayed for, and may, according to their best and utmost knowledge, remembrance, information and belief, full, true, direct and perfect answer make, but not under oath, answer under oath being specially waived, to each and all matters and things in this bill contained, and that as fully and particularly as if the same were here repeated, paragraph by paragraph, and they were specially interrogated thereunto severally; may it please your Honors to grant to your orator a writ of *subpoena ad respondendum*, issuing out of and under the seal of this Honorable Court, to be directed to the said J. C.

Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F.  
15 Anderson, W. M. Anderson, William B. Archer, John  
Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A.  
Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A.  
Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole,  
F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M.  
Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham,  
M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A.  
Diechman, W. H. Embry, Charles W. Embry, A. N. Egan, S.

H. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fetters, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, H. W. Jett, B. C. Jett, A. Judd, P. Kiene, John Keating, F. T. Kearns, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levy, R. McMurtie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, Thomas Welch, R. P. Yocum and W. H. Yancey, commanding them and each of them, on a certain day and under a certain penalty to  
16 be therein inserted, to appear before your Honors in this Honorable Court, and then and there full, true, direct and perfect answer make to all and singular the premises and further to stand to, perform and abide by such further order or decree as to your Honors shall seem meet; and also a writ of provisional and a writ of perpetual injunction to the same tenor, purport and effect as is hereinbefore set forth and prayed and your orator as in duty bound will ever pray.

JOHN R. WALKER,

United States Attorney, Western District of Missouri,  
Solicitor for Complainants.

JOSEPH McKENNA,  
Attorney-General of the United States.

State of Missouri,  
County of Jackson—ss.

John R. Walker, being duly sworn, on oath does state that he has read the foregoing bill and knows the contents thereof, and that he verily believes the statements therein contained are true.

JOHN R. WALKER.

Subscribed and sworn to before me this 7th day of June, 1897.  
ADELAIDE UTTER,  
[Seal] Clerk U. S. Circuit Court, for  
Western Division, Western District of Missouri.

And thereafter, to wit, on the 9th day of June, A. D. 1897, an entry of appearance was filed in the above entitled cause.

Said entry of appearance is in words and figures as follows, to wit:

17 In the Circuit Court of the United States, for the Western Division of the Western District of Missouri.

The United States of America, Plaintiff,  
No. 2196. vs. In Equity,  
J. C. Andrews et al., Defendants.

Now come the defendants herein by their attorneys and enter their appearance in the above entitled cause, and waive the issuance and service of any subpoena herein, except the defendant, Thomas Welch, who is deceased.

R. E. BALL and  
I. P. RYLAND,  
Solicitors and Attorneys for Defendants.

And thereafter, to wit, on the 30th day of June, A. D. 1897, the following affidavits were filed by the complainant in the above entitled cause:

In the Circuit Court of the United States, Western Division of the Western District of Missouri.

United States, Plaintiff,  
No. 2196. vs. In Equity,  
J. C. Anderson et al., Defendants.

Charles E. Doerr, of lawful age, being duly sworn, on oath states; I am a trader and speculator on the Kansas City Stock Yards, and have been for more than a year last past. I am acquainted with the association known as the Traders' Live Stock Exchange and the members thereof. The officers and members of said Exchange have interfered with other speculators trading upon the yards who are not members of said association. I am not a member of said association. A

18 number of commission firms on the yards have declined to do business with me, or to permit me to do business through them, claiming that they had been notified by the officers and members of the Traders' Live Stock Exchange not to do so. About one year ago I was negotiating with one Artie McCoy, who was a salesman of the commission firm of Fish, Tower & Doyle, and whilst so negotiating with him, and

endeavoring to sell him a bunch of cattle, one Thomas Mack, a member of the Traders' Live Stock Exchange, came up and in my presence notified the said Artie McCoy not to trade with me as I was not a member of their association. I told him I did not think it made any difference and he said he would see some of the officers of the association about the matter. He left and in a few moments returned and said that they did not want him to trade with the affiant, and thereupon the said McCoy declined any further negotiations with affiant. The object and aim of said association is to limit the privilege of trading and speculating upon the market to those persons who are members of said association. About one year ago I was in partnership with one J. H. Spurlock, trading and speculating at the stock yards. He was a member of the Traders' Live Stock Exchange. I was not and the members of said Exchange forced him to dissolve the partnership and cease to do business with me, because of my non-membership.

C. E. DOERR.

Subscribed and sworn to before me this 30th day of June,  
1897.

[Seal] ADELAIDE UTTER,  
Clerk U. S. Cir. Ct., W. D. W. D. Mo.

19 In the Circuit Court of the United States, Western Division of the Western District of Missouri.

United States, Plaintiff,  
No. 2196. vs. In Equity.  
J. C. Anderson et al., Defendants.

Engelbert Schmidt, of lawful age, being duly sworn upon his oath deposes and says: I am a trader and speculator at the Kansas City Stock Yards and have been for 15 years past. The yard traders and speculators upon the yards buy all classes of cattle that come there, and re-sell and re-ship the same to other cities and markets in other states, some for export. I am acquainted with the association of the Traders' Live Stock Exchange; that the officers and members of said association will not permit, and do everything in their power to prevent other persons who are not members of said association from trading at the stock yards. Until the month of April, 1896, I was in partnership with one Ludwig Nathan, and we were engaged as speculators and traders on the market, but about the date last above mentioned the officers and members of said Traders' Live Stock Exchange notified me that I could not continue in business at the Kansas City Stock Yards unless I became a member of their association, and they notified my partner that he could not longer continue in partnership and business with me unless I became a member of

said association. I was unwilling to become a member of said association and the partnership between my partner and myself was dissolved through the influence of the said Exchange. I have attempted to buy cattle from a great many commission firms and their salesmen at the Kansas City Stock Yards but so soon as I would go into the yards where the cattle were that were consigned to said commission firms and attempt to purchase same, some of the defendants would come along, call the salesman to one side, and after having a conversation with him which I could not overhear, he would invariably return to me and say that he could not price cattle to me, or sell  
20 the same to me as he had been warned by the members of the Exchange not to do so

ENGELBERT SCHMIDT.

Subscribed and sworn to before me this 30th day of June, 1897.

ADELAIDE UTTER,  
[Seal] Clerk U. S. Cir. Ct., W. D. W. D. Mo.

In the Circuit Court of the United States, Western Division of the Western District of Missouri.

United States, Plaintiff,  
No. 2196, vs. In Equity.  
J. C. Anderson, et al. Defendants.

Mellen F. Blanchard, of lawful age, being duly sworn upon his oath says: I am a member of the firm of Blanchard & Erke, live stock commission men doing business at the Kansas City Stock Yards; that the buyers at the Kansas City market consist of the following classes: buyers for the various packing houses; buyers who take orders for cattle to be shipped to other markets in other states and for export; farmers and feeders who come in from the country and go on the market and buy for their own use; and then a class composed of those who are known as "yard traders" and "speculators." This latter class purchase the various classes of cattle that come to the market and speculate therein. A number of these traders and speculators make their purchases through some commission house, and the commission house pays the purchase money, whilst others pay themselves for the stock which they purchase. About the month of February, 1897, one Charles H. Howard was engaged in business at the stock yards and did some business through my firm; that is, he bought cattle from other parties at the yards for which our firm paid, and for which we charged him a commission. Soon afterwards, I was cautioned by some of the members of the  
21 Traders' Live Stock Exchange against having any further business transactions with the said Howard. He

was not a member of said Association. About the month of March or April, 1897, two traders and speculators on the yards made me a bid on a bunch of cattle which I accepted, but subsequently these parties declined to take the cattle stating that they had been notified by members of the Exchange not to do so, as I was still carrying the said Charles H. Howard, but when convinced that I was no longer carrying the said Howard, and that he was not trading upon the yards through our firm, they agreed to take, and did take the cattle.

M. F. BLANCHARD.

Subscribed and sworn to before me this 30th day of June,  
1897.

ADELAIDE UTTER,

Clerk U. S. Cir. Ct., W. D. W. D. Mo.

[Seal]

In the Circuit Court of the United States, Western Division of  
the Western District of Missouri.

United States, Plaintiff,  
No. 2196. vs. In Equity.  
J. C. Anderson et al., Defendants.

Norman B. Greer, of lawful age, being duly sworn upon his  
oath deposes and says:

That I am the manager of the business of the firm of Greer,  
Mills & Company, a live stock commission firm, doing business  
at the Kansas City Stock Yards; that I sell the cattle for this  
firm which are consigned and shipped to them; that of all cattle  
received at the Kansas City Stock Yards about 60 per cent  
are sold directly to packers at Kansas City; that about 5 per  
cent of all cattle received at the Kansas City Stock Yards are  
only stopped here temporarily for feed and water and  
22 go through to their points of destination without chang-  
ing hands; that of the remaining 25 per cent of all the  
cattle received here about 15 per cent are purchased by agents  
for eastern firms or purchasers, the purchases at the Kansas  
City Stock Yards being through commission firms, and about  
20 per cent of all the cattle received on the market are sold to  
speculators upon the market; that there is an association of  
traders and speculators at the Kansas City Stock Yards  
known as the Traders' Live Stock Exchange; said Exchange  
charges a fee of \$500 for a membership therein; that the mem-  
bers of this said Exchange deal not only in stockers and feed-  
ers but in other classes of cattle, buying, re-selling and re-  
shipping to other markets; that the said Traders' Live Stock  
Exchange does not permit other traders and speculators upon  
the market; that said Exchange does not permit commission  
firms at said stock yards to sell cattle consigned to them to any  
trader or speculator upon the market who is not a member of

said association; that the commission firm for which I am manager as aforesaid has been notified by the officers and members of said Traders' Live Stock Exchange not to sell cattle to certain speculators on the market who are not members of said association; that on several occasions about the month of December, 1896, the commission firm of Greer, Mills & Company did sell cattle to traders and speculators on the market who are not members of said association, and that thereupon the said association and the members of said association did boycott said firm, and refused to purchase any cattle from said commission firm and refused to go into the lots and look at cattle which had been consigned to them.

Affiant further states that the pens assigned by the Kansas City Stock Yards Company to the speculators and  
 23 traders on the yard are only intended for the penning of stockers and feeders, but all other classes of cattle handled by traders and speculators on the yards are located promiscuously throughout the yards in Kansas and in Missouri, and very frequently stockers and feeders are ordered into yards other than those which have been assigned them.

Affiant further states that of the classes of cattle known as stockers and feeders received at the Kansas City Stock Yards, a great many are purchased by feeders from the States of Iowa, Illinois, and other states; that the members of said association purchase all classes of cattle, many fat cattle which they ship to other states and to other markets.

NORMAN B. GREER.

Subscribed and sworn to before me this 30th day of June,  
 1897.

ADELAIDE UTTER,  
 [Seal] Clerk U. S. Cir. Ct., W. D. W. D. Mo.

In the Circuit Court of the United States, Western Division  
 of the Western District of Missouri.

United States, Plaintiff,  
 No. 2196. vs. In Equity,  
 J. C. Anderson et al., Defendants.

Joseph Sanderson, of lawful age, being duly sworn, upon his oath deposes and says: I have been engaged since about the month of September, 1891, as a trader and speculator at the Kansas City Stock Yards and was engaged in such business until the month of July, 1896. I had been trading on the yards through the commission firm of Noel & Titsworth. Some time in the month of July, 1896, I was in the office of the said firm of Noel & Titsworth, when Mr. John Aiken, one of the

24 directors of the Traders' Live Stock Exchange, came into the office and called Mr. John Titsworth, a member of the firm of Noel & Titsworth, and Mr. T. H. Broadus, their cattle salesman, out of the office into the hall. Within a few minutes, Mr. Titsworth and Mr. Broadus returned into the office and announced to me that they would have to quit paying for any more cattle purchased [my] me, as they were threatened with a boycott by the Traders' Live Stock Exchange should they do so, and advised me to sell out what cattle I had in the pens and quit. I sold such cattle as I had on hand at that time and ceased to do business at the yards. Thereafter I hired to John Lorimer, a member of the Traders' Live Stock Exchange. My duties were to sell cattle for him and weigh them up as a salesman. I began working for him on the 23rd day of August, 1896; that in the month of September, 1896, the Traders' Live Stock Exchange passed an amendment of Rule 12 of their Rules and By-Laws, which prohibited any member of the Exchange from employing any person to either buy or sell cattle unless such person held a certificate of membership in the Exchange, whereas, prior to that time, Rule 12 only prohibited members of the Exchange from employing persons as a cattle buyer who was not a member of the Exchange, but did not prohibit the employment of a person not a member of the Exchange as a cattle salesman. This amendment to Rule 12 was to take effect on the 1st day of March, 1897, at which time I was required to give up my employment and cease selling cattle. Since March 1st, I have been out of employment, being unable to find any employment whatever at the Kansas City Stock Yards, or to purchase or sell any cattle at the said stock yards because of the action of the officers and members of the Traders' Live Stock Exchange.

Yard traders and speculators upon the Kansas City Stock Yards buy all classes of cattle which come on the market, cattle that are intended for export, cattle that are intended for other markets in other cities and states; butchers' stock 25 that are intended to be sold to packers in Kansas City Missouri, and Kansas City, Kansas, and in other cities and states, and stockers and feeders which are intended for sale to farmers and feeders in the States of Missouri, Illinois, Iowa, Indiana, Ohio and other states. The aim and object of the said Traders' Live Stock Exchange, is to control the price of certain classes of cattle upon the market, and to prevent all other persons from speculating on the yards, who are not members of said association. The members of said Traders' Live Stock Exchange are divided into companies of ten, with a captain to each ten. If any trader or speculator shall offer a price for a bunch of cattle on the yards, no other trader

or speculator will offer any higher price if he knows that the offer has been made, and in this way force the sale of cattle at the price fixed by the speculator who is a member of said organization.

JOSEPH SANDERSON.

Subscribed and sworn to before me this 30th day of June,  
1897.

[Seal] ADELAIDE UTTER,  
Clerk U. S. Cir. Ct., W. D. W. D. Mo.,

In the Circuit Court of the United States, Western Division of  
the Western District of Missouri.

United States, Plaintiff,  
No. 2196. vs. In Equity.  
J. C. Anderson et al., Defendants.

John W. Crumbaugh, of lawful age, being duly sworn upon his oath deposes and says:

I am engaged in business at the Kansas City Stock Yards; my business is that of what is commonly called a speculator or yard trader, and have been so engaged for five years last past; that the Kansas City Stock Yards is the second largest live stock market in the world; that of all the cattle received upon the market, a certain number are billed through 26 to other markets and are only stopped here temporarily for watering, feeding and resting; for the remainder which are sold upon the market the only classes of buyers are as follows: buyers for the various packing houses located at Kansas City; "order men" who purchase on orders for dealers in other markets, such as Chicago, New York, Buffalo, St. Louis, Omaha and Boston, and for persons who are engaged in exporting cattle to London and other European markets. Some few cattle are sold directly to farmers and feeders who purchase for removal to their farms. Some cattle are sold to commission firms who have country orders for feeders and stockers; that the only class of purchasers in addition to the above named are what are known as speculators or yard traders. These speculators or yard traders purchase cattle on the market for speculation; they purchase all classes of cattle; they purchase stockers and feeders for re-selling; they purchase fat cattle that are intended for other markets and for export; they purchase butcher stock, which are re-sold to packers located at Kansas City, Missouri and Kansas City, Kansas, and they purchase quarantine cattle subject to government inspection; they purchase cattle that are billed through to other markets, with the privilege of sale on the Kansas City markets; that these defendants have organized themselves into an association known as the Traders' Live Stock Exchange, and do not permit any other speculators or

yard traders to transact business at the Kansas City Stock Yards who are not members of said Exchange; that the members of said Exchange do not permit commission firms who are located and doing business at the Kansas City Stock Yards to sell cattle to yard traders or speculators who are not members of said Exchange, and on several occasions when commission firms have sold cattle to yard traders and speculators not members of said association, they have been boycotted by  
said association and its members; and the members of  
27 said association would refuse to purchase cattle from  
said commission firms or even go to pens in which their  
cattle were located, and look at them; that a large majority of  
the yard traders and speculators at the Kansas City Stock  
Yards trade through commission firms, the said commission  
firms guaranteeing all payments for purchases made by them;  
that in very many instances the said Traders' Live Stock Ex-  
change and its members have gone to commission firms and  
threatened to boycott them unless they ceased to do business  
with yard traders and speculators who are not members of  
said association, and unless they ceased to pay for stock pur-  
chased by them; when this Traders' Live Stock Exchange was  
about to be organized in the fall or winter of 1895, I was in-  
vited to join said Traders' Live Stock Exchange. The object  
of said association was stated to me at the time by those re-  
questing me to join them, to be to prevent any speculators and  
yard traders from carrying on business at the yards who did  
not become members of said association, and thus limit the  
number of those who could engage in such business at the  
yards.

Affiant further states that commission firms doing business at the Kansas City Stock Yards have refused positively to sell him stock, claiming that they have been notified by the officers of the Traders' Live Stock Exchange not to do so, for the reason that he, affiant, was not a member of said Exchange.

**JOHN W. CRUMBAUGH.**

Subscribed and sworn to before me this 30th day of June,  
ADELAIDE UTTER,  
1897. W. D. W. D. Mo.

[Seal] Clerk U. S. Cir. Ct., W. D. Mo.  
In the Circuit Court of the United States, Western Division of  
the Western District of Missouri.

**United States, Plaintiff,**

No. 2196. In Equity. vs.

J. C. Anderson et al., Defendants.

28 Richard Sheehan, of lawful age, being duly sworn,  
upon his oath deposes and says:

I am a speculator or yard trader in the Kansas City Stock Yards and was for 23 years, until about a year ago, when I

was driven out of business through the association known as the Traders' Live Stock Exchange, and its members; that there were upon the yards men known as speculators and yard traders, who purchased for re-selling and speculation all classes of cattle coming to the stock yards, fat cattle, which were intended for export and for other markets; butcher cattle which were intended to be sold to packers here and at other points, and also cattle which are known as stockers and feeders. There are and have been upon the yard purchasers for the various packing houses; order men; that is, those who take orders for firms at other markets, and who purchase for export; in addition, live stock commission firms that are engaged at the yards purchase cattle upon orders for farmers and feeders, and in addition to these, there are speculators upon the market who are known as yard traders or speculators, and these, as stated above, purchase and re-sell all classes of cattle; that whilst the Kansas City Stock Yards Company have assigned to the speculators and yard traders certain pens, yet in truth, cattle purchased by speculators and yard traders are put in pens promiscuously all over the yard, wherever they happen to be at the time of the purchase; that stockers and feeders is the only class of cattle that are permitted in the yards assigned to yard traders and speculators; that all butchers' stock, cows and heifers purchased by speculators and yard traders are penned in the yards, either in Missouri or Kansas, and of stockers and feeders purchased by the speculators and yard traders they are not required to be placed in the pens so assigned unless they are to be kept over on the market for future sales; that the officers and members of the said

29 Traders' Live Stock Exchange do not permit any other yard traders or speculators upon the market in any class of cattle than those who are members of said association. I was for 23 years a trader and speculator upon the yards and about a year ago I was forced to cease business there because of the opposition of the officers and members of the said Traders' Live Stock Exchange. I could not purchase cattle from any commission firm at the yards, nor get any commission firm upon the yards to pay for cattle purchased by me, all said firms giving as a reason therefor that they had been threatened with a boycott by said association if they should do so; that the firm of Fletcher & Company, through whom I had been doing business for several years, ceased at once all business transactions with me, and gave as a reason that they were threatened with a boycott if they longer continued.

RICHARD SHEEHAN.

Subscribed and sworn to before me this 30th day of June,  
1897.

ADELAIDE UTTER,

[Seal]

Clerk U. S. Cir. Ct., W. D. W. D. Mo.

And thereafter, to wit, on the 1st day of July, A. D. 1897, the following affidavit was filed by the complainant in the above entitled cause:

In the Circuit Court of the United States, Western Division of the Western District of Missouri.

United States, Plaintiff,  
No. 2196. In Equity. vs.  
J. C. Anderson et al., Defendants.

Charles H. Howard, of lawful age, being duly sworn, upon his oath deposes and says:

I have been in business at the Kansas City Stock Yards for about 11 years; that until about the 1st of January, 1897, I was working for a commission firm at the Stock Yards 30 as cattle salesman; since that date I have been trading upon the yards as a speculator or yard trader. I am acquainted with the Traders' Live Stock Exchange, its members and officers, and know the purposes of its organization and its aims. I have been sought by members of said Exchange to become a member thereof, and said members told me at the time that I could do no business as a trader or speculator at the yards unless I did become a member thereof. The yard traders and speculators at this market deal in all classes of cattle that come to said market; their largest trade is in what is known as stockers and feeders, but they in truth purchase all classes, fat cattle, cattle intended for export, cattle intended for other markets in other cities and states, butchers' stock, intended for packers in Kansas City, Missouri and Kansas City, Kansas, and other cities and states, as well as stockers and feeders. That the purchasers for the various classes of cattle that come to the market are buyers for various packing houses at this place; order men, who purchase on orders for firms in other cities and states, commission men who purchase stockers and feeders for farmers and feeders from the country, and traders and speculators; that the members of the said Exchange do not permit any one to trade or speculate upon the market who is not a member of their association; that they do not permit any commission firm doing business at the Kansas City Stock Yards to sell cattle to any speculators or yard traders who are not members of said association, nor to pay for cattle purchased by traders and speculators not members of said association. I was unable to find any commission firm at the Kansas City Stock Yards who would sell me cattle or pay for cattle that I might purchase from others, all commission firms stating to me as a reason that they were afraid of a boycott from the officers and members of the Traders' Live Stock Exchange.

CHARLES H. HOWARD.

Subscribed and sworn to before me this 1st day of July,  
1897.

[Seal]

ADELAIDE UTTER,  
Clerk U. S. Dist. Mo.

31 And on the same day, to wit on the 1st day of July,  
A. D. 1897, the defendants filed affidavits in the above  
entitled cause.

Said affidavits are in words and figures as follows:

United States of America,  
State of Missouri,  
County of Jackson—set.

Eugene Rust, of lawful age, being first duly sworn, upon his  
oath says:

I am General Superintendent of the Kansas City Stock  
Yards Company. I have been connected with the said Stock  
Yards for sixteen and one-half years last past, and have been  
General Superintendent thereof since January 1st, 1895; I am  
thoroughly familiar with the receipts and shipments of cattle  
received at and shipped from said yards during all of said time.  
Accurate records of receipts and shipments are kept by said  
Company, owning said yards, and to these records I have free  
access.

The total receipts of cattle and calves for the years 1895,  
1896 and the first five months of 1897 are as follows:

For the year 1895, Cattle.....	1,613,454
Calves .....	76,198
<hr/>	
Total receipts for 1895.....	1,689,652
For the year 1896, Cattle.....	1,714,532
Calves .....	100,166
<hr/>	
Total receipts for 1896.....	1,814,698
For first five months of 1897, ending May 31st .....	624,395
Cattle .....	624,395
Calves .....	29,742
<hr/>	
Total .....	654,137

I know of the organization known as "The Traders' Live  
Stock Exchange." This organization has been of benefit to  
the live stock market at Kansas City, by furnishing constant  
buyers for cattle shipped to said market no matter how  
32 large the receipts for any one day or series of days and  
by raising the standard of business integrity among  
its members, in that it requires every member to comply with

his business promises and verbal agreements. No embargo is placed upon any one purchasing or desiring to purchase cattle at the Kansas City Stock Yards, but a free and open market is afforded to all buyers or sellers. The members of the above named organization are engaged in business of buying and selling cattle on the local market and are competitors among and against each other. Their said organization in no way restrains or interferes with interstate or local commerce, and the members of this organization do not monopolize or attempt to monopolize the business of buying and selling cattle at Kansas City.

The said organization does not in any way tend to limit or decrease the number of cattle marketed at Kansas City, but has the contrary effect, in that its members furnish a large number of constant and daily buyers, which creates competition, thereby making a stronger and more even market for the sale of live stock.

Of the total receipts of cattle at the Kansas City Stock Yards for the years 1895, 1896 and 1897, not to exceed 15 per cent have been billed to other markets with the privilege of the Kansas City market, and about eighty-five per cent of the total receipts for the said years have been billed to the Kansas City market alone; for a term of years last past, the percentage of cattle billed to other markets has shown a gradual decrease, and further this deponent saith not.

EUGENE RUST.

Subscribed and sworn to [by] me this 15th day of June, 1897.

My commission expires September 1st, 1900.

[Seal] ISAAC P. RYLAND,  
Notary Public in and for Jackson County, Missouri.

33 State of Missouri,  
County of Jackson—ss.

Jerome D. Eubank, of lawful age, being first duly sworn upon his oath says:

That he is engaged in the business of buying cattle on the Kansas City market on order; that he knows the Traders' Live Stock Exchange, and has known it since its organization; that the members are dealers in stockers and feeders on the market at Kansas City; that since the organization was formed the market at Kansas [—] for that class of cattle has steadily improved until it has been for the past year the largest and best market in the United States; that said market is free and open and the operations of the members of said Exchange have made it more steady and uniform than it ever was before, and

so far from being a hindrance or restraint upon said market, said Exchange has resulted in improving the same to the advantage of the shippers of such stock; that the members of the Exchange do not monopolize or attempt to monopolize the market for cattle, but are in constant competition with various other buyers and sellers of the same class of cattle; and in affiant's judgment it is not possible for the members of said Exchange separately or together, to control said market, either in the supply, or in prices, and no such attempt has been made so far as affiant is informed.

J. D. EUBANK.

Subscribed and sworn to before me this 26th day of June,  
1897.

[Seal] ISAAC P. RYLAND,  
Notary Public in and for Jackson County, Missouri.

State of Missouri,  
County of Jackson—ss.

John N. Payne, of lawful age, being first duly sworn,  
34 upon his oath says:

That he is engaged in the live stock business, making a specialty of buying cattle on the Kansas City market on order; that he knows of the Traders' Live Stock Exchange, and has known it since its organization, and that its members are dealers in stockers and feeders on the market at Kansas City, which is the largest and best stocker and feeder market in the United States; and that said market is open to all parties to either buy or sell and the operation of said Traders' Exchange has given us a higher order and a more steady and uniform way of doing business; therefore, instead of being a hindrance or restraint on said market, the said Exchange has resulted in improving the same, to the advantage of the shippers of such stock; that the members of the Exchange do not monopolize or could not monopolize the market for cattle, but are in competition with various other buyers and sellers of the same class of cattle; and in affiant's judgment, it is not possible for the members of the Exchange, either separately or together, to control said market either in the supply or in prices, and no such attempt has been made so far as the affiant is informed.

JOHN N. PAYNE.

Subscribed and sworn to before me this 26th day of June,  
1897.

[Seal] ISAAC P. RYLAND,  
Notary Public in and for Jackson Co., Missouri.

In the Circuit Court of the United States, for the Western Division of the Western District of Missouri.

United States, Plaintiff,  
No. . . . . In Equity. vs.  
J. C. Anderson et al.

35 The undersigned, being duly sworn on their oath state:

That they are commission merchants at the Kansas City Stock Yards, and have been for some time past; that they know the organization known as the Traders' Exchange and are personally familiar with its operation and effect on the market. That the members are exclusively engaged in local trade of buying and selling; that the class of cattle in which they deal namely, stockers and feeders, are not exclusively handled by them, and they do not attempt to monopolize the trade in such cattle and it would not be possible for them to do so, if they did attempt it. That the market is, and has always been, a free and open one, and the controlling prices from day to day, on said market, are not determined by the said yard traders and being in competition with other classes of buyers, they could not succeed in controlling the prices if they attempted to do so.

The affiants state that since the organization of said Exchange, the branch of business at said market in which the members are engaged has greatly and constantly improved. That the operations of the Exchange have greatly tended to this improvement, and have contributed thereto, and no hindrance or restraint of any kind and of prejudice to the interest of shippers to said market have resulted from the operations of said Exchange and to the knowledge and belief of the affiants, no purpose exists or ever has existed on the part of the members of said Exchange, to hinder or restrain or in anywise injure the market for any class of cattle at said yards.

(Signed) S. D. Irwin—Irwin Bros.  
T. E. Ladd—Ladd, Penny & Swazey.  
D. Olinger—M., K. & T. Com. Co.,  
Thos. B. Lee, V. P. & Mngr. Chicago Live Stock  
Com. Co.  
G. I. Gann Co.  
J. K. Southee, of Southee & Kirk.  
S. P. Woods, of the Northwestern Com. Co.  
H. B. Dorsett, Firm Southee & Kirk.  
A. Isaacsen, of Olander & Isaacsen.  
G. W. Sanders, of Siegel-Sanders Com. Co.  
Jno. E. Hale, of John E. Hale & Co.

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F. G. Robinson, of Ryan, Keeney & Robinson.  
 G. H. Pierson, of Pierson-Goddard Com. Co.  
 Woodson McCoy, of McCoy Bros.  
 J. Baker, of Baker Com. Co.  
 W. F. Huston, of Taylor, Taylor & Huston.  
 H. B. Patterson, of Patterson & Hargis.  
 S. R. Trower, of Thos. Trower & Son.  
 D. C. Beatty, of C. M. Keyes & Co.,  
 S. R. Walker, of Walker-Russell Com. Co.  
 James Crowley, of McDonald, Crowley &  
     Farmer.  
 G. W. Stockwell & Co.  
 S. G. Burnside, of Burnside, Jordan & Co.  
 T. S. Hutton, of Strahorn-Hutton-Evans Com.  
     Co.  
 A. T. Mustion, of Drovers' Com. Co.  
 W. B. McAllister, W. B. McAllister & Co.  
 T. B. Patton, of Patton & Martin.  
 Wm. Wright, of Wright & Hanna.  
 L. A. Allen, of The K. C. L. S. C. Co.  
 Chas. W. Campbell, of K. C. L. S. C. Co.  
 Chas. E. Stoller, Stoller C. Co.  
 Geo. W. Foster, F., McD. & B.  
 A. B. Bachman, M., K. & T. C. Co.  
 W. F. Moore, W. F. Moore L. S. Com. Co.  
 C. H. Means, C. G. Means & Sons.  
 E. Lloyd, M., K. & T.  
 R. W. Ryan, Ryan, Keeney & Robinson.  
 S. W. Campbell, of R. K. Campbell & Co.  
 Geo. Tamblyn, of Tamblyn & Tamblyn.  
 Jno. F. Gillespie, of A. J. Gillespie & Co.  
 C. G. Bridgeford, V. P. Lorimer, Bridgeford &  
     Co.  
 L. S. Jones, of Jones Bros.  
 R. C. White, of White, Cowgill & McWilliams.  
 Ben. L. Welch, of Ben. L. Welch & Co.  
 D. C. Koogler, of D. C. Koogler Co.  
 E. M. Parlin, of Thies & Parlin.  
 D. R. Rice Com. Co.  
 J. S. McIntosh, of McIntosh & Peters.  
 J. C. Seruggin, of V. & S.  
 L. A. Lennon, of Duke, Lennon & Harrington.  
 Gilman Reed of G. R. Co.  
 James Stephens & Co.  
 Jno. D. Dobyns, of Geo. Holmes Com. Co.  
 Geo. W. Campbell, of Campbell, Hunt & Adams.  
 H. Hopkins, of Hopkins, Kiely & Co.  
 J. H. Lampe, of Drumm-Flato Com. Co.

L. E. White & Co.  
Geo. T. Hall, Scruggs, Hall & Co.  
F. O. Fish, Fish, Tower & Doyle L. S. Com Co.  
Zeb. F. Crider, Zeb. F. Crider Com. Co.  
Wm. M. Schwartz, of Schwartz, Bolen & Co.  
B. F. Baldwin, of B. F. B. & Co.  
C. T. Baldwin, of Geo. Holmes Com. Co.  
Hamer Brown, of Kas. & Neb. Com. Co.  
Wm. A. Rogers, of Rogers Com. Co.  
J. P. Emmert, Salesman for Moffatt Bros. &  
Andrews.  
T. J. Timmons, Cassidy Bros. & Co.  
E. E. Trowbridge, of Standish & Trowbridge.  
Geo. C. McMullin, of Chas. Dixon Com Co.  
F. F. Farmer, of Barnes, P. & F.  
Andrew Gillespie, Clay, Robinson & Co.  
C. J. Boyle, Lincoln, Boyle & Co.  
Wm. Epperson, of Wm. Epperson & Co.  
J. C. Hall, of J. C. Hall & Co.  
M. M. Cable, of M. M. Cable & Co.

38 Subscribed and sworn to before me this 2nd day of July, 1897.

My commission expires Sept. 1, 1900.

[Seal] ISAAC P. RYLAND,  
Notary Public in and for Jackson Co., Mo.

The following is attached to the foregoing affidavit:

"Official List.

The following is the official list of Live Stock Commission firms doing business at the Kansas City Stock Yards. Our customers supplied with the Drovers' Telegram.

~~H. C. Abbott & Co.~~  
~~Burnside, Jardon & Co.~~  
Geo. R. Barse Live Stock Commission Co.  
Barnes, Parrott & Farmer.  
~~M. T. Burwell & Co.~~  
Blanchard & Ehrke.  
B. F. Baldwin & Co.  
Campbell, Hunt & Adams.  
R. K. Campbell & Co.  
Cassidy Bros. Live Stock Com. Co.  
Chicago Live Stock Commission.  
Zeb. F. Crider Com. Co.  
Clay, Robinson & Co.  
Charles Dixon Com. Co.  
Myron M. Cable & Co.  
Drumm-Flato Com. Co.

Duke, Lennon & Harrington.  
Drovers' L. S. Com Co.  
Wm. Epperson & Co.  
Evans-Snider-Buel Co.  
Foster, McDonald & Blair.  
39 Fish, Tower & Doyle Live Stock Com. Co.  
A. J. Gillespie & Co.  
Greer, Mills & Co.  
G. I. Gann & Co.  
Jno. E. Hale Com. Co.  
J. C. Hall & Co.  
Hopkins, Kiely & Co.  
W. W. Hall & Co.  
Ben Holmes Com. Co.  
Geo. Holmes Live Stock Com. Co.  
Irwin Bros. & Co.  
Inman & Wallingford.  
Jones Bros.  
Knollin & Booth.  
The Kansas & Nebraska Live Stock Com. Co.  
Kansas City Live Stock Com. Co.  
C. M. Keys & Co.  
Ladd, Penny & Swazey.  
Lincoln, Boyle & Co.  
Lone Star Com. Co.  
Larimer-Bridgeford Live Stock Com. Co.  
W. B. McAlister & Co.  
McCoy Bros.  
McDonald, Crowley & Farmer.  
McIntosh & Peters.  
C. G. Means & Son.  
The W. F. Moore Live Stock Com. Co.  
M., K. & T. Com. Co.  
Moffett Bros. & Andrews.  
Noel & Tittsworth.  
Northwestern Live Stock Com. Co.  
Offutt, Elmore & Cooper.  
Olander & Isaacson.  
40 Payne, Duncan & Co.  
Pierson-Goddard Com. Co.  
Patton & Martin.  
Patterson & Hargis.  
~~M. S. Peters & Co.~~  
Rogers Com. Co.  
D. R. Rice Com. Co.  
Ryan, Keeney & Robinson.  
Gilman Reed & Co.  
Schwartz, Bolen & Co.

Scruggs, Hall & Co.  
Siegel-Sanders Com. Co.  
Southee & Kirk.  
Jas. Stephens & Co.  
G. W. Stockwell & Co.  
Stoller Com. Co.  
Strahorn-Hutton-Evans Com. Co.  
Standish & Trowbridge.  
Tamblyn & Tamblyn.  
Taylor, Taylor & Huston.  
Thies & Parlin.  
Thos. Trower's Sons.  
Verner & Scroggin.  
L. E. White & Co.  
Wright & Hannah.  
Walker-Russell Com. Co.  
Ben. L. Welch & Co.  
White, Cowgill & McWilliams.  
L. F. Young & Co.  
Baker Com. Co.

41 State of Missouri,  
County of Jackson—ss.

W. H. Embry, being duly sworn, on his oath states:

That he is President of the Traders' Live Stock Exchange of which the defendants are members; that a full copy of the Articles of Association and By-Laws of said Exchange, with all amendments thereto, is attached to this affidavit; that said Exchange was organized on the .... day of September, 1895.

That at said time an important branch of traffic in cattle at the Kansas City Stock Yards had grown up and has since existed, in which the individuals forming said Association were and are engaged; that said business was that of buying and selling cattle on the local market, and parties engaged in it were and are known as yard traders; that prior to the time of forming said Association, and since, the Stock Yards Company provided and assigned certain pens for the use of such traders in handling and disposing of the stock purchased by them, to which pens cattle bought by any yard trader were and are delivered.

That it was important and to the common interest of all persons engaged in yard trading that the most favorable terms possible should be made with the Stock Yards Company as to the location of said pens, and securing the best possible facilities for handling stock; that the pens assigned to defendants now are and were at the time of the filing of the bill of the Government, located in the State of Missouri.

That at the time of organizing the Exchange and since, certain persons engaged in the business of yard traders were guilty of disreputable business methods, for example, by purchasing culls and afterwards, by arrangement with some commission merchant, mingling them, and having them sold with some other herd consigned to such merchant, or by making purchases without means for payment, and being unable to sell on the same market day, refusing to consummate such purchase, and by other wrongful conduct, to the scandal of the trade.

That to obtain such advantage and facilities, in the common interest of all, as might be had by united effort, and to correct and prevent such abuses, and to promote decent and honorable practices in the trade engaged in by all, the Association was formed, and it had not and has not any other purpose.

The affiant states that it is not true that defendants, at any time, conspired "to prevent all other persons than members of the Traders' Live Stock Exchange from buying and selling cattle upon the Kansas City market;" but the fact is, that in buying cattle defendants are in competition with each other, with the representative buyers of all the packing houses, with the representatives of the various commission merchants, who buy constantly on orders from a distance, and with others who buy on orders and on their own account, none of whom are members of the Traders' Live Stock Exchange, and with these various classes of buyers the defendants constantly deal; that in selling cattle they compete with each other and with shippers and commission merchants offering stock for sale on said market.

The affiant states that it is not and never has been true, as alleged in the bill, page 8, "that the commission firm, person or partnership to whom said cattle are consigned at Kansas City, is not permitted, and cannot sell or dispose of said cattle at the Kansas City market to any buyer or speculator, unless said buyer or speculator is a member of the Traders' Live Stock Exchange," but on the contrary, that statement is absolutely false, and it is true, as is also alleged in the bill, page 6, that they "sell said stock to the packing houses located at Kansas City, Missouri, and Kansas City, in the State of Kansas, and they sell large numbers of said cattle to these defendants and to other persons, who re-sell."

43 The affiant states that when the Exchange has disciplined its members, it has done so only pursuant to authority, given by the rules to the proper tribunal of the organization; that it is true that on one occasion, and for a

short time, the defendants generally abstained from dealing with a certain commission firm, not because said firm dealt with others not members, but because, in the belief of defendants, said firm aided and assisted in disreputable and dishonorable methods of trade.

The affiant states that the business in which the defendants are engaged is that of buying and selling the class of cattle known as stockers and feeders; that said business is purely local to this market; that in quarantine cattle, subject to government inspection, cattle shipped through to other markets with or without the privilege of Kansas City market, and fat cattle sold on the local market or shipped to other states, or to foreign countries, the defendants do not deal.

That of the volume of stockers and feeders sold on the Kansas City market since the formation of the Exchange, not exceeding fifty per cent, in affiant's judgment, have been handled by members of the Exchange, and the rest by others.

That whenever any of the defendants purchase cattle, the Stock Yards Company delivers them, after they are weighed, to the pens set apart and assigned for the use of the yard traders.

That except in rare instances, both purchases and sales made by the defendants, are made from and to persons not members of the Exchange, and in affiant's judgment, about ninety-nine per cent of transactions by defendants are with persons not members of the Exchange.

That it is not true, that the defendants "have agreed and confederated to hinder and delay the business of buying and selling cattle at the said Kansas City market;" but on the contrary, the Exchange was organized to promote, and in affiant's judgment, has greatly promoted the business of buying and selling cattle at the yards.

That it is not true "that the object, aim and purpose of the defendants and their associates in organizing the Traders' Live Stock Exchange was and is to prevent the sale by any commission firm, at the Kansas City Stock Yards, of any cattle to any person who might be a buyer or speculator upon the market, who is not a member of the said Live Stock Exchange;" but the fact is, that buyers of many different classes, as heretofore stated, constantly deal in said market, and continuously since the organization of the Exchange, yard traders not members of the Exchange, have bought and sold there, doing business with commission firms with whom members deal.

That the objects and purposes of the Exchange are as hereinbefore set forth; and when the Exchange provided, by its

Rule Ten, that no yard trader would be recognized and by its Rule Twelve, that buyers or sellers should not be employed by members unless such traders or employees were members, it was meant and intended that those yard traders who did not approve of the objects of the Association, and of concerted action to obtain them, might go their independent way, but the Exchange would not countenance them, nor be responsible for their methods.

The affiant states that it is true that the property of the Stock Yards Company, where cattle are penned and handled, is located partly in Missouri and partly in Kansas and that the shifting of cattle from one side of the state line to the other, in the business of the market, is done by the Stock Yards Company.

That the state line runs through some of the pens and through some of the alleys and it sometimes occurs that in such pens or alleys sales of bunches of cattle are made, through which at the time the State line runs.

The affiant states that the members of the Exchange  
 45 handle only a part of a particular class of cattle on the local market; that it is impossible for them separately or together, to control the market for such cattle, either in quantity or price; that the market is a free and open one and prices are governed by the supply and demand; and that the defendants have never, individually, or together, attempted to suppress competition in buying and selling such cattle, and such a thing would be impossible, should it be attempted.

W. H. EMBRY.

Subscribed and sworn to before me this 21st day of June, 1897.

My commission expires March 15, 1901.

[Seal] REES TURPIN,  
 Notary Public, Jackson County, Missouri.

#### ARTICLES OF ASSOCIATION.

##### Rules and By-Laws of the Traders' Live Stock Exchange.

We, the undersigned, for the purpose of organizing and maintaining a business exchange, not for pecuniary profit or gain, but to promote and protect all interests connected with the buying and selling of live stock at the Kansas City Stock Yards, and to cultivate courteous and manly conduct toward each other, and give dignity and responsibility to yard traders, have associated ourselves together under the name of Traders' Live Stock Exchange, and hereby agree each with the other, that we will faithfully observe and be bound by the following rules and by-laws and such new rules, additions or amend-

ments as may from time to time be adopted in conformity with the provisions thereof from the date of organization.

Rule 1.

The officers of this Exchange shall consist of a President, and Vice-President, a Secretary, who shall also act as 46 Treasurer; and the Secy. Treasurer shall furnish a good and sufficient bond if the same be demanded of him.

Rule 2.

The President shall appoint the following committees, which shall be approved by the Exchange, at its first regular meeting of each year, namely, a Finance Committee, consisting of four members, an Executive Committee consisting of eight members which shall also constitute the Committee of Arbitration.

Cont. on page 2.

Rule 3.

Sec. 1. It shall be the duty of the President to act as general executive officer of the Exchange, to preside at all regular meetings, call special meetings when necessary and preside over them.

Sec. 2. It shall be the duty of the Vice-President to act and preside in the absence of the President.

Sec. 3. It shall be the duty of the Secretary to keep and preserve the minutes and record of all meetings and to receive and collect all money due the Exchange and keep minute account of the same.

Sec. 4. It shall be the duty of the Executive Committee to investigate the worthiness and qualifications of all applicants for membership in this Exchange and report on the same favorably or unfavorably.

Sec. 5. The Executive Committee shall also attend to all matters of business that may be referred to them by the President, and discharge such other duties as may rightfully come before them.

Sec. 6. It shall be the duty of the Committee of Arbitration to investigate all grievance of the members of this Exchange relative to business at the stock yards, and adopt such measures as they deem best to amend the same, and their decision shall be final.

Cont. on Page 3.

47 Sec. 7. It shall be the duty of the Finance Committee to audit all bills and accounts of the Exchange, and attend to such other business as may rightfully come before them.

Sec. 8. The President shall also appoint a Sergeant-at-Arms, whose duty shall be to attend the heating, lighting and ventilating the room, attend the door, and see that no unwelcome persons are present at any of the meetings of this Exchange.

Rule 4.

The members of this Exchange shall, by the Executive Board, be divided in companies of one Captain and ten men.

Rule 5.

The officers of this Exchange shall be elected by ballot at its first regular meeting in January for a term of one year.

Rule 6.

The regular meetings of this Exchange shall be on the first Saturday in each month.

Rule 7.

Nine or more members shall constitute a quorum but a less number shall have power to adjourn.

Rule 8.

Sec. 1. Membership in this Exchange shall be \$10.00 ten dollars for each member, and upon the payment of said amount, the Secretary shall issue a certificate of membership to all who were enrolled as members of this Exchange prior to March 14th, 1896, and to any other traders who may apply to the Executive Board on or before March 21st, 1896, and be approved by them. Provided. Cont'd on page 4.

Rule 8.

Sec. 1. Cont. that all members enrolled or elected as herein specified, shall within thirty days from March 14th, 1896, apply to the Secretary and pay in full the amount \$10.00 ten dollars for such certificate.

Sec. 2. These certificates of membership shall be non-transferable, but this Exchange shall refund the amount of ten dollars \$10.00 paid for the same to any member upon the surrender of his certificate, providing there be no unpaid fines against such member.

Rule 9.

All applications for membership shall be made in writing and the same referred to the Executive Committee for investigation, and they shall report on the same at the first regular meeting thereafter. The Exchange shall forthwith vote on such applicant and it shall require a two-thirds vote of all members present to elect such as members of this Exchange.

Rule 10.

This Exchange will not recognize any yard trader unless he is a member of the Traders' Live Stock Exchange.

**Rule 11.**

When there are two or more parties trading together as partners, they shall each and all of them be members of this Exchange.

**Rule 12.**

No member of this Exchange shall employ any person as a cattle buyer unless such person hold a certificate of membership in this Exchange.

*Cont'd on page 5.*

**Rule 13.**

No member of this Exchange shall be allowed to pay any order buyer or salesman any sum of money as a fee for buying cattle from or selling cattle to such party.

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**Rule 14.**

All members will be held responsible for any violations by their employees not conforming to the above rule.

**Rule 15.**

All members convicted of any violation of any of these rules shall be subject to a fine, suspension or expulsion as recommended by the Executive Board.

**Rule 16.**

All bills and accounts against this Exchange shall be read in open session at a regular meeting and referred to the Finance Committee, and if correct, the Secretary shall draw warrants for the same, which shall be countersigned by the President, and the seal of the Exchange placed thereon.

**Rule 17.**

These by-laws may be changed or amended by a two-thirds vote of all members present at any regular meeting.

**Rule 18.**

The Secretary of this Exchange shall receive a salary of (\$50.00) fifty dollars per annum for the faithful performance of his duty.

**Amendments, Changes and Additions to the Rules and By-Laws of the Traders' Live Stock Exchange.**

**Rule 8.**

This sec. amended  
Aug 1st 1896.

Sec. 3. All applicants for membership after May 2nd, 1896, shall pay the sum of \$250.00 two hundred and fifty dollars for membership in this Exchange. Their certificate shall be transferable in the manner provided for membership in Rule (9) nine of the by-laws of this Exchange. But this Exchange will not redeem any certificates issued after May 2nd, 1896.

50 Sec. 4. For all transfers of membership the party for whom such transfer be made shall pay into the treas-

ury of this Exchange the sum of (\$50.00) fifty dollars for such transfer.

Sec. 3. Wording of said section changed so as to read \$500.00 five hundred dollars instead of \$250.00 two hundred and fifty dollars.

#### Rule 12.

Amended to read as follows: No member of this Exchange shall employ any person to buy or sell cattle unless such person hold a certificate of membership in this Exchange.

**State of Missouri**

**County of Jackson—ss.**

J. P. Holloway, S. B. Floyd, J. R. Wilhite, George Macdonald, S. H. Farrar, Charles Sparks and M. C. Spence being duly sworn on their oaths state: That they are members of the Executive Board of the Traders' Live Stock Exchange; that they have heard read the foregoing affidavit of W. H. Embry, and the matters and things therein stated are true, to the best of their knowledge and belief.

J. P. HOLLOWAY,  
S. B. FLOYD,  
S. H. FARRAR,  
M. C. SPENCE,  
CHARLES SPARKS,  
GEO. MACDONALD,  
J. R. WILHITE.

Subscribed and sworn to before me this 25th day of June, 1897.

My term expires Sept. 1st, 1900.

[Seal] **ISAAC P. RYLAND,**  
Notary Public in and for Jackson County, Missouri.

51 **State of Missouri,**  
**County of Jackson—ss.**

J. H. Waite, Chester A. Snider, Frank Cooper, J. N. Irwin and Ben Holmes, of lawful age, each being severally sworn upon their oaths depose and say:

That they are engaged in the business of buying and selling cattle on the market at Kansas City as Live Stock Commission merchants; that they know the Traders' Live Stock Exchange and have known it since its organization; that the members are dealers in stockers and feeders on the market at Kansas City; that since its organization the market at Kansas City for that class of cattle has steadily improved, until it has been for the past year the largest and best market in the United States; that said market is free and open and the operations

of the members of said Exchange have made it more steady and uniform than it ever was before, and so far from being a hindrance or restraint upon said market, said Exchange has resulted in improving the same to the advantage of the shippers of such stock; that the members of the Exchange do not monopolize or attempt to monopolize the market for cattle, but are in constant competition with various other buyers and sellers of the same class of cattle; and in affiants' judgment it is not possible for the members of the Exchange, separately or together, to control said market, either in the supply, or in prices, and no such attempt has been made so far as affiants are informed.

J. H. WAITE,  
CHESTER A. SNIDER,  
FRANK COOPER,  
J. N. IRWIN,  
BEN HOLMES.

Subscribed and sworn to before me this 26th day of June, 1897.

[Seal] ISAAC P. RYLAND,  
Notary Public in and for Jackson County, Missouri.

52 In the Circuit Court of the United States, for the Western Division of the Western District of Missouri.

United States, ..... Plaintiff,  
No. .... vs. In Equity.  
J. C. Anderson et al., Defendants.

State of Missouri,  
County of Jackson—ss.

The undersigned members of the Traders' Live Stock Exchange, defendant, being duly sworn on their oaths, state that it is wholly untrue, as alleged in the affidavits filed by the Government, that members of the Exchange do not compete in buying and selling with each other, but on the contrary they constantly compete with each other, and separately bid against each other for the purchase of cattle on the Kansas City market.

That it is not true that they attempt to limit the number of buyers or yard traders on said market to the present membership of the Exchange, but on the contrary, any and all persons desiring to become members of said Exchange are wel-

come to do so, and to join the same on agreeing to the Articles of Association and By-Laws.

	A. Deichmann.	William Fox.
	Jas. Troutman.	P. Marx.
	Ernst Harris.	C. F. Vann.
	Dave Welsh.	Lester Wolf.
	T. S. Kennedy.	Jerry Wolf.
	J. H. Aikin.	Abraham Wolff.
	W. M. Cole.	A. Judd.
	E. S. Downs.	Andy Shobe.
	S. H. Farrar.	A. H. Bayless.
	Geo. Macdonald.	A. Haggarty.
	E. F. Anderson.	C. E. Seeley.
53	Frank B. Chapeze.	Peter Stewart.
	R. J. Monroe.	W. C. Lorimer.
	A. R. Perkins.	J. V. Aikins.
	John Lorimer.	Henry Frank.
	D. A. Painter.	John Shobe.
	R. P. Yocom.	Charles Frew.
	P. H. Harris.	George W. Liddle.
	C. E. Wainscott.	J. C. Anderson.
	P. J. Gosnell.	

Subscribed and sworn to before me this 2nd day of July, 1897.

My commission expires Sept. 1st, 1900.

[Seal] ISAAC P. RYLAND,  
Notary Public in and for Jackson Co., Mo.

State of Missouri,

County of Jackson—ss.

W. P. Neff, of lawful age, being duly sworn, upon his oath says that he is one of the publishers of the Daily Drovers' Telegram, published at Kansas City, Missouri; that his duty requires him to keep accurate daily records of the receipts, shipments and classification of cattle at the Kansas City Stock Yards; that the following statement shows the number of car loads of stockers and feeders sent to the country from said stock yards since Jany. 1st, 1897:

	January .....	1635
	February .....	1427
	March .....	1192
54	April .....	838
	May .....	821
	26 days in June .....	552
	Total .....	6465

That the above figures are correct to the best of affiant's knowledge and belief.

That the book hereto attached is compiled and published by the said Daily Drovers' Telegram and known as the "Red Book," and the figures therein contained are true and correct to affiant's best knowledge and belief; that Kansas City has grown to be the largest and best market for stockers and feeders in the United States and for the past three years has steadily grown in that respect.

W. P. NEFF.

Subscribed and sworn to before me this 28th day of June, 1897.  
 [Seal] ISAAC P. RYLAND,

Notary Public in and for Jackson Co., Mo.

(Portion of "Red Book" mentioned in stipulation.)

#### The Army of Laborers.

The army of people who are required to transact the live stock business of Kansas City was computed by the Drovers' Telegram on December 10, 1896, with a great deal of accuracy.

At that time the following results were ascertained:

	No. men.
Employed by Kansas City's packing houses (average) . . . . .	7,450
Employed by Kansas City Stock Yards Company . . . . .	300
Number of commission men at yards . . . . .	192
Number of office men at yards . . . . .	102
Number of salesmen employed by commission men . . . . .	137
Number of yardsmen employed by commission men . . . . .	115
Number of traveling solicitors employed by commission men . . . . .	82
55      Yard traders . . . . .	182
Employed by yard traders . . . . .	77
Railroad clerks and agents . . . . .	34
Professional shippers . . . . .	20
Miscellaneous . . . . .	60
Daily Drovers' Telegram . . . . .	29
Stock Yards Horse and Mule Department . . . . .	50
 Total in Kansas City Live-stock industry . . . . .	 8,830

If we multiply this aggregate number of men employed by five, which is customary in arriving at such conclusions, we find that over 44,000 Kansas City's population [is] dependent upon the great live-stock industry. The population of the combined Kansas Citys is probably 225,000, so that the live-stock industry may be said to support one-fifth of the total population.

#### Who the Buyers are.

The chief dependence of the Kansas City market, without which no market attains a position to be trusted day in and

day out, is the great demand which her packing houses create, but there are in constant attendance buyers for export companies and for packing houses in other cities. These two interests are adequate to care for the supply of fat stock. As a market for thin cattle, commonly known as stockers and feeders, which are bought to be taken back to the country, Kansas City stands in a class of her own where she has no rivals worthy the name. In 1896 she did considerably more business in this line than any three competitors.

First and greatest of all he has a market that takes all of his stock, whatever its size, age or condition, at a high market value, as here are permanently located competitive buyers for all grades of each kind of stock. This market has been created by the investment of several million of dollars in land and the buildings and pens necessary to accommodate the business; all fair-minded people will concede that this money is entitled to a reasonable interest for its use. The Stock Yards Company has given outright hundreds of thousands of dollars to induce the heaviest slaughtering establishments and exporters in the country to locate here, and it is these houses, whose standing and integrity are beyond question, with a large number of "order buyers" for eastern houses, and a couple hundred regular shippers and speculators, that insure the market at all times.

#### The Kansas City Live Stock Exchange.

The Kansas City Live Stock Exchange is an association organized, not for the purpose of pecuniary profit or gain, as is generally supposed, but to promote and protect all interests connected with the buying and selling of live stock at this market. Membership in it is not compulsory, but represents a privilege, the basis of which is to enforce amongst its members safe, legitimate and high moral principles in the transaction of business. It would be preposterous to think of transacting the immense volume of business at this market at this time without some common understanding; some systematized plan, so plain that all can understand, so just as to commend it to all here engaged. The necessity of it was made plain in the early history of the business. The Stock Yards Company, responsible to the railroad companies, not only for the number of stock received, but also for the carrying charges, found it necessary to have some protection when it surrendered its stock to the commission man. He, in return, needed a system that would enable him to feed, water and handle stock to the best advantage. In selling he had become disgusted with receiving offers or bids for stock that could not be depended upon, and was tired of buying stock that would not be deliv-

ered because some one else bid more after he had bought  
57 it. It was vexing to have stock mixed, exchanged,  
docked or weighed wrong without any protection or  
means of righting. The packers never knew when they bought  
anything that they would receive what they bought, and when  
delivered and paid for, whether the seller had title to the  
stock, or whether it was stolen or mortgaged property, to be  
paid for twice.

Last, but not least, the farmer, feeder and shipper was en-  
tirely at the mercy of the unscrupulous and unsystematized  
business methods. It was plain that he needed protection in  
the way of knowing what it would cost him to have his stock  
fed, watered, weighed, and sold or bought. He needed honest  
weighing and straight and legitimate sales. He required not  
only speedy and correct returns, but must be sure of his pro-  
ceeds. This chaotic condition of evils and abuses in which all  
interested shared to a greater or less degree, made the ne-  
cessity of an organized body such as the Kansas City Live  
Stock Exchange. In the formation of its rules and by-laws,  
all the stated evils have been cured, and the vast interests of  
this market under its control are transacted in such a just  
and legitimate manner as not only to satisfy all vitally con-  
cerned, but as well to receive the indorsement, after thorough  
examination and trial, of State Legislatures and the courts.  
So that, if you ask, "What is the Kansas City Live Stock Ex-  
change?" we repeat that it is a business association of all in-  
terests represented, with an eye single to systematizing the  
business at these yards on a basis of correct and high moral  
principles.

\* \* \* \* \*

The greatest development of the year was in the stocker and  
feeder business. Kansas City again demonstrated that she is  
the mistress of the situation and stands in a class by herself.  
The year's shipments to the country were 16,000 cars, approxi-  
58 mately a half million head. In 1895 car shipments  
were 12,537, which until this year, constituted the big  
year. The relative size of the three western feeder  
markets is set off in a compilation elsewhere in this book,  
showing that Kansas City does practically as much feeder  
business as all outside markets combined.

\* \* \* \* \*

**Stock Cattle Shipments from Competitive Markets.**

	1895.	1896.
Number head from Chicago.....	150,000	175,000
Number head from Omaha.....	196,000	233,500
Total from two points .....	346,000	408,500
Number head from Kansas City .....	510,432	392,262
Grand total, three points .....	856,432	800,762
Per cent of total from Kansas City.....	59.6	49.0

\* \* \* \* \*

**The Feeder Trade at Kansas City.**

Shipments of stock cattle to the country in various months and years were as follows by cars:

	1896.	1895.	1894.	1893.	1892.
January .....	820	795	846	483	521
February.....	935	481	897	510	629
March .....	719	1,001	962	420	406
April .....	546	527	391	250	367
May .....	483	321	242	275	281
June.....	354	383	169	151	190
July .....	568	819	243	231	358
August .....	1,416	1,945	830	568	386
September .....	2,850	1,630	998	1,267	813
October.....	2,629	1,903	1,792	1,716	1,436
November....	2,332	1,518	1,644	1,450	1,346
December....	2,517	1,214	1,058	1,218	792
Year.....	16,169	12,537	10,072	8,539	7,525

59 Said stipulation, above mentioned, is in words and figures as follows:

In the Circuit Court of the United States, for the Western Division of the Western District of Missouri.

**The United States of America, Plaintiff,  
No. 2196, vs. In Equity.  
J. C. Anderson et al, Defendants.**

It is hereby stipulated and agreed between the parties hereto, that in making the transcript of the record for appeal in this cause only such portion of the "Red Book" attached to the affidavit of W. P. Neff as are contained on pages 4, 6, 8, 10, 11, 16 and 20, and included in brackets, be transcribed by the Clerk.

**JOHN R. WALKER, U. S. Atty,  
Attorney for Plaintiff.  
R. E. BALL and  
I. P. RYLAND,  
Attorneys for Defendants.**

On the 19th day of July, A. D. 1897, an order for a temporary injunction was filed in the above entitled cause.

Said order is in words and figures as follows:  
In the Circuit Court of the United States, for the Western Di-  
vision of the Western District of Missouri.

United States of America, Complainant,

vs.

J. C. Anderson, E. S. Aiken, J. H. Aiken, E. F. Anderson, W.  
M. Anderson, William B. Archer, John Brown, O.  
Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson,  
60 A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A.  
Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W.  
M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H.  
A. Cubbison, M. Cavey, George W. Craycraft, E. S.  
Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K.  
Donohue, F. J. Donohue, A. Diechman, W. H. Embry,  
Charles W. Embry, A. N. Eagan, S. H. Farrar, L. Frank,  
S. B. Floyd, Warner Floyd, H. L. Fetters, L. Frew,  
Charles Frew, William Fox, Henry Frank, J. W. Far-  
rar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F.  
Green, Philo S. Harris, W. P. Harris, P. H. Harris, A.  
Haggarty, Walter M. Hair, Balboa Henry, E. Harris,  
J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale,  
George W. Irwin, Henry Jones, John T. Jett, I. M.  
Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy,  
H. W. Jett, B. C. Jett, A. Judd, P. Kieney, John Keat-  
ing, F. T. Kearns, T. S. Kennedy, J. W. Kellog, George  
H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer,  
D. C. Lorimer, L. Levey, R. McMurtrie, George Mac-  
donald, George J. Macdonald, John P. Miller, George  
W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason,  
R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe,  
P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C.  
Orear, William Priestman, A. R. Perkins, D. A. Painter,  
Charles Park, W. S. Park, Charles Philbrick, M. C. Ry-  
land, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A.  
Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks,  
C. Settle, M. C. Spence, John Shobe, W. A. Sanders,  
E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson,  
W. E. Tower, W. C. Trower, James Trout-  
man, James S. Thompson, J. R. Wilhite, Arthur  
Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow,  
Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John  
L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead,  
C. E. Wainscott, Thomas Welch, R. P. Yocum and W.  
H. Yancey, Defendants.

Decree of Temporary Injunction.

This cause having heretofore been heard and submitted on  
the bill of complaint, the arguments and briefs of the re-

spective counsel, on application for a temporary injunction, pendente lite, and the Court being now fully advised in the premises, doth find that on the bill and the affidavits submitted, the application for a temporary restraining order herein should be granted:

It is therefore ordered and decreed by the Court until the final hearing and decree on the merits, and until further order and decree of the Court, that the defendants herein, and each and every of them, be and they are hereby enjoined, either as associates in the said Traders' Live Stock Exchange or otherwise, from combining, by contract, agreement or understanding, expressed or implied, so as by their acts, conduct or words, to interfere with, hinder or impede others in shipping, trading or selling live stock, that is, cattle received from the states and territories at what is known as the Stock Yards at Kansas City, Missouri and shipped there from 62 other states and territories, for sale there or for further transportation through the states or to foreign markets. And the said defendants and each of them, are further enjoined from in anywise interfering with the freedom of access of any and all other traders and purchasers at said stock yards, and equal facilities therein, and thereto afforded by the Kansas City Stock Yards Exchange or Company, the same as employed by the defendants as members of the said Traders' Live Stock Exchange.

And it is further ordered and decreed that the said defendants, either collectively as such Traders' Live Stock Exchange, or through its executive committee, or otherwise, and each of them, be and they are hereby enjoined from enforcing or recognizing or acting under the following rules of the said Traders' Live Stock Exchange, to wit: Rules ten (10), eleven (11), twelve (12) and thirteen (13) and any and all amendments thereof, and from imposing or attempting to impose any fines or penalties upon any of the members of such Traders' Live Stock Exchange, for trading or offering to trade with any person or persons at said stock yards respecting the purchase and sale of any such cattle, or from discriminating in favor of any member of such Traders' Live Stock Exchange because of such membership; and especially from, in any manner, discriminating against any person trading at said stock yards in such cattle and from refusing by united or concerted action, or by word, persuasion, threat or other means, to deal or trade with persons who are not members of said association, because of such non-membership, or from dealing with any commission firm at said stock yards who may transact or attempt to transact business, in selling or trading in such cattle thereat with

any person not a member of said Traders' Live Stock Exchange; or in any manner from interfering with the right and freedom of any and all persons trading and desiring to trade in such cattle at such yards the same as if such Traders' association did not exist.

63 It is further ordered that the defendants have leave to make answer to the bill of complaint herein on or before the 20th day of August, next.

(Signed) JNO. F. PHILIPS,  
U. S. Dist. Judge.

And thereafter, to wit on the 31st day of July, A. D. 1897 a petition for appeal was filed in the above entitled cause.

Said petition for appeal is in words and figures following:

In the Circuit Court of the United States, Western Division of the Western District of Missouri, at Kansas City.

United States, Complainants, Respondents,

No. 2196. vs. In Equity.

J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A. Brown, Ed Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Eagan, H. S. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fetters, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggerty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, L. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, W. H. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating; F. T. Kearns, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Leyey, R. McMurtrie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Marion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Phil-

brick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, R. P. Yocum, W. H. Yancey, Defendants, Appellants.

65 Now come the above named defendants, J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A. Brown, Ed Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Egan, H. S. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fetters, L. Frow, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hale, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, H. W. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating, F. T. Kearnes, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levey, R. McMurtrie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swanson, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, R. P. Yocum, W. H. Yancey, and conceiving themselves aggrieved by the order and

66 decree for a temporary injunction, pendente lite, entered on the 19th day of July, 1897, in the above entitled proceeding, do hereby appeal from said order and decree to the Circuit Court of Appeals of the United States in the Eighth Circuit, and they pray that this, their appeal, may be allowed, and that a transcript of the record and proceedings and papers upon which said order and decree was made, duly authenticated, may be sent to the said Circuit Court of Appeals of the United States.

R. E. BALL,  
L. P. RYLAND,

Attorneys for said defendants and appellants, 601 & 602 N. Y.  
Life Building, Kansas City, Missouri.

On the same day, to wit, on the 31st day of July, A. D. 1897 an assignment of errors was filed in the above entitled cause, which said assignment of errors is in words and figures as follows, to wit:

In the Circuit Court of the United States, Western Division of  
the Western District of Missouri, at Kansas City.

United States, . . . Complainants, Respondents,  
No. 2196. vs. In Equity.

67 J. C. Anderson, E. S. Aiken, J. H. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A. Brown, Ed. Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Egan, H. S. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fettlers, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, H. W. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating, F. T. Kearns, T. S. Kennedy, J. W. Kellog, George H. Liddle, John S. Linderman, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levey, R. McMurtrie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarthy, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Man-

68 ion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swansen, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, R. P. Yocum, W. H. Yancy, Defendants, Appellants.

#### ASSIGNMENT OF ERRORS.

Afterward, to wit, on the 31st day of July, in the year of our Lord, 1897, at the April Term of Court, 1897, come the said defendants by R. E. Ball and L. P. Ryland, their attorneys, and say that in the record and proceedings in the above entitled cause there is manifest error in this to wit:

##### I.

That the matters charged in the bill of complaint against defendants do not constitute any offense under the common law or any Statute of the United States.

##### II.

That the acts charged in the bill of complaint do not constitute any offense against the Statute of the United States of July 2nd, 1890.

##### III.

That the Circuit Court erred in granting a decree for a temporary injunction, because the matters charged in the bill of complaint fail to show that defendants were engaged in inter-state commerce, and the matters and acts charged, if true, show that defendants are not engaged in inter-state commerce.

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##### IV.

That the Circuit Court erred in granting said decree because the act of July 2nd, 1890, as interpreted by the Circuit Court would be violative of Article I of Amendments to the Constitution of the United States forbidding Congress to make any law "abridging the freedom of speech."

##### V.

That the Circuit Court erred in granting said decree, because the Act of July 2nd, 1890, as interpreted by said Court

would violate Article V of Amendments to the Constitution of the United States forbidding that any person should be deprived of "liberty or property without due process of law."

VI.

That the Circuit Court erred in granting said decree, because under the averments of the bill and the affidavits filed, the acts of the defendants charged do not constitute any restraint of trade between the states or with foreign nations, within the meaning of the Act of July 2nd, 1890.

VII.

That the Circuit Court erred in granting a preliminary decree enjoining defendants "from combining by contract, agreement or understanding, expressed or implied, so as by their acts, conduct or words to interfere with, hinder or impede others in shipping, trading or selling live stock, that is, cattle received from the states and territories at what is known as the Stock Yards at Kansas City, Missouri," because (a), no averment of the bill or the affidavits shows or claims any contract, agreement or understanding between defendants to hinder or impede others in shipping cattle to or from said market; (b), "trading or selling live stock" on said

70 market is not interstate commerce, and no act of defendants charged in the bill or shown by the affidavits constitutes any restraint of such commerce within the meaning of the Act of July 2nd, 1890; (c), the "conduct or words" of defendants, as charged in the bill and affidavits, are only such as defendants might lawfully use in conducting a purely private and local business, and do not constitute any infringement of the Act of July 2nd 1890; (d), the averments of the bill and affidavits fail to show that defendants or any of them, have anything to do with cattle shipped to the Kansas City market "for further transportation through the states or to foreign markets."

VIII.

That the Circuit Court erred in enjoining defendants "from in anywise interfering with the freedom of access of any and all other traders and purchasers at said Stock Yards" because (a), it is not averred in the bill nor in any affidavit filed, that such freedom of access is interfered with; (b), the acts of defendants charged to have been committed do not interfere with such freedom of access but leave parties trading in said market to their free choice of dealing with members of the Exchange or with non-members; (c), if the exercise of such free choice on the part of the dealers resulted, as charged, in

impeding others in their private business of buying and selling on said market, such result would not be a violation of the act of July 2nd, 1890, or in anywise tend to hinder or restrain interstate commerce.

#### IX.

That the Circuit Court erred in enjoining defendants and each of them "from enforcing or recognizing or acting under" Rule 10 of said Traders' Live Stock Exchange, providing that "the Exchange will not recognize any yard trader unless he is a member," because (a), defendants owe no public duty to recognize any yard trader, and the Exchange and its members, being an association of private traders, have the right, under the Constitution and laws, to recognize whom they please and may "select their patrons" and may wholly or partly "cease to do any business when their choice lies in that direction;" (b), the "enforcing or recognizing or acting under" said rule does not constitute any restraint of interstate commerce within the meaning of the Act of July 2nd, 1890.

#### X.

That the Circuit Court erred in enjoining defendants "from enforcing or recognizing or acting under" Rule 11, providing that where "two or more parties are trading as partners, each and all of them shall be members of the Exchange," because (a), this voluntary association of private traders have the right to prescribe such conditions of membership as they see fit, and as may be freely acceded to by those joining the organization; (b), neither the bill nor affidavits charge or show any threats or violence or conduct on the part of the defendants interfering with or abridging the right of any trader to become a member or not as his choice may dictate; (c), the "enforcing or recognizing or acting under" said rule constitutes no violation of the Statutes and does not restrain commerce between the states or with foreign nations.

#### XI.

That the Circuit Court erred in enjoining defendants "from enforcing or recognizing or acting under" Rule 12, providing that only members should be employed by members to buy or sell cattle because (a) defendants being private traders, each on his own account, have the right, under the Constitution and Laws of the United States, to employ anybody or nobody, for any reason or no reason, as they may see proper; (b), being voluntarily associated, defendants have a right to agree to employ only members and in so agreeing they do not violate the Statute nor in anywise restrain interstate commerce.

XII.

That the Circuit Court erred in enjoining defendants "from enforcing or recognizing or acting under" Rule 13, forbidding any member from paying any sum of money as a fee to any agent of a seller to make a sale to such member, or to any agent of a purchaser to make a purchase, from such member, because (a), defendants have a right to agree voluntarily that they will not bribe the agent of an owner to make a sale to them, nor bribe the agent of a purchaser to make a purchase from them; and (b), the enforcement of this rule against bribery is lawful and not in violation of the statute or in restraint of interstate commerce.

XIII.

That the Circuit Court erred in enjoining defendants "from enforcing or recognizing or acting under" said rules, because said rules are private regulations, voluntarily agreed to, with which the public has no concern, and their enforcement or recognition or action thereunder by defendants directly affect the defendants only, and do not directly or indirectly restrain interstate commerce.

XIV.

That the Circuit Court erred in enjoining defendants "from discriminating in favor of any member of such Traders' Live Stock Exchange because of such membership," for the reasons that (a), the bill does not charge any such discrimination; (b), if such act of discrimination by a private trader is lawful, when done for any reason, it would not be a crime where the act was the same but the reason was "because of such membership;" (c), defendants have a right as private traders to make discriminations in their business, even "unjust discriminations" and can favor one another if they see proper  
53 to do so; and (d) such discrimination does not restrain or tend to restrain interstate commerce within the meaning of the Statute.

XV.

That the Circuit Court erred in enjoining defendants "especially from in any manner discriminating against any person trading at said stock yards in such cattle and from refusing by united or concerted action, or by words, persuasion, threat or other means, to deal or trade with persons who are not members of said Association, because of such non-membership" and from refusing to deal with commission firms who deal with non-members because (a), "the mere private trader may sell to whom he pleases," "he may select his patrons," and "may make such discrimination in his business as he chooses" and may even "make unjust discriminations;" (b), no threat is charged in the bill or shown; (c), no "persuasion or

other means" are charged in the bill or shown by the affidavits to have been used, except such as defendants had a perfect right under the Constitution and laws to employ; (d), defendants have the right under the Constitution and laws to cease dealing with any person for any reason satisfactory to defendants; (e), defendants, as private traders, owe no duty to any person to deal with such person, and cannot lawfully be compelled to so deal, no matter what their reason for refusing to so deal; (f), refusal to deal by a private trader is not a crime, and is not made so by any particular reason for such action; (g), the mere "refusing by united or concerted action or by words or persuasion" to deal with any person is not a violation of the Act of July 2nd, 1890, does not constitute a restraint of interstate commerce, and does not interfere with or restrain any commerce; (h), defendants, severally and together, have the right to "cease to do business" with any or all of the cattle salesmen at the stock yards "when their choice lies in that direction."

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R. E. BALL,  
L. P. RYLAND,

Attorneys for Appellants, 601, 602, New York Life Bldg, Kansas City, Missouri.

And thereafter, to wit, on the 4th day of August, A. D. 1897, an order allowing appeal was filed and entered of record in the above entitled cause, said order being in words and figures as follows, to wit:

"And now, to wit, on the 2nd day of August, 1897, it is ordered that Appellants file with the Clerk of said Circuit Court a bond to the United States, in the sum of \$1,000.00 to answer all costs if they shall fail to sustain their appeal; and such bond, with sufficient sureties, being now duly presented approved by the Court and filed, it is further ordered that the appeal of defendants be allowed as prayed for.

It is further ordered that the taking of testimony in this cause be stayed until the determination of this appeal.

(Signed) JNO. F. PHILLIPS.

Said bond for appeal is in words and figures as follows:

Know all men by these presents, That we, S. H. Farrar, J. H. Aikin, Wm. P. Voorhees, R. W. Ryan, J. N. Irwin, and E. S. Downs, are held and firmly bound unto the United States in the full and just sum of one thousand dollars (\$1,000.00) to be paid to the said United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 28th day of July, in the year of our Lord, one thousand eight hundred and ninety-seven.

Whereas, lately, at the May Term of the Circuit  
 75 Court of the United States, of the Western Division of  
 the Western District of Missouri, at Kansas City, in a  
 suit pending in said Court, between United States, as com-  
 plainants, and J. C. Anderson et al. as defendants, No. 2196, a  
 decree and order for a temporary injunction was rendered  
 against the said defendants and the said defendants have pe-  
 titioned for and obtained an order of appeal in the said Court,  
 to reverse the decree and order for a temporary injunction in  
 the aforesaid suit, and a citation directed to the said United  
 States, citing and admonishing them to be and appear in the  
 United States Circuit Court of Appeals, for the Eighth Circuit,  
 at the City of St. Louis, Missouri, sixty days from and after  
 the date of said citation.

Now the condition of the above obligation is such: That if  
 the said defendants and appellants shall prosecute said ap-  
 peal to effect, and answer all damages and costs, if they fail  
 to make good their plea, then the above obligation to be void,  
 else to remain in full force and virtue.

S. H. FARRAR,	[Seal]
J. H. AIKINS,	[Seal]
WM. P. VOORHEES,	[Seal]
R. W. RYAN,	[Seal]
J. N. IRWIN,	[Seal]
E. S. DOWNS,	[Seal]

Approved.

(Signed) JNO. F. PHILLIPS, Judge.

76 United States of America, Set.

I, Adelaide Utter, Clerk of the Circuit Court of the  
 United States, for the Western Division of the Western Dis-  
 trict of Missouri, do hereby certify that the above and fore-  
 going is a true copy of the record, assignment of errors and  
 all proceedings in the case entitled United States of America  
 vs. J. C. Anderson et al., as fully as the same remains on file  
 and of record in my office.

Seal of the United States Circuit Court for the Western District of Missouri Western Division	Witness my hand as Clerk and the seal of said Court. Done at office in Kansas City, Missouri, this 12th day of Au- gust, A. D. 1897. ADELAIDE UTTER, Clerk.
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Filed Aug. 23, 1897. John D. Jordan, Clerk.

## 77 In the Circuit Court of the United States, Western Division of the Western District of Missouri.

United States, Complainant, Appellee,  
vs.

J. C. Anderson, E. S. Aiken, J. H. Aiken, J. V. Aiken, E. F. Anderson, W. M. Anderson, William B. Archer, John Brown, O. Bjorkman, W. B. Barnes, A. M. Byram, H. A. Benson, A. A. Bidwell, Alex Bradford, A. H. Bayless, R. A. Brown, Ed Brown, J. P. Butterfield, S. K. Chorn, W. M. Cole, F. B. Chapeze, J. F. Chapin, James D. Cox, H. A. Cubbison, M. Cavey, George W. Craycraft, E. S. Downs, J. R. Dillingham, M. Donegan, C. M. Davis, K. Donohue, F. J. Donohue, A. Deichman, W. H. Embry, Charles W. Embry, A. N. Egan, H. S. Farrar, L. Frank, S. B. Floyd, Warner Floyd, H. L. Fettters, L. Frew, Charles Frew, William Fox, Henry Frank, J. W. Farrar, L. D. Graves, P. J. Gosnell, Jacob Gouch, L. F. Green, Philo S. Harris, W. P. Harris, P. H. Harris, A. Haggarty, Walter M. Hair, Balboa Henry, E. Harris, J. P. Hollaway, J. R. Hawpe, J. M. Hail, Josiah Hale, George W. Irwin, Henry Jones, John T. Jett, I. M. Johnston, W. E. Johnston, H. M. Johnston, A. J. Judy, H. W. Jett, B. C. Jett, A. Judd, P. Kieney, John Keating, F. T. Kearns, T. S. Kennedy, J. W. Kellogg, George H. Liddle, John S. Lindermann, J. N. Leach, John Lorimer, D. C. Lorimer, W. C. Lorimer, L. Levey, R. McMurtrie, George Macdonald, George J. Macdonald, John P. Miller, George W. Miller, Jerry McCarty, Mike Miller, Otto C. Mason, R. L. Mitchell, B. J. Means, C. G. Manion, R. J. Monroe, P. Marx, J. W. Northern, L. Nathan, F. L. Orvis, C. Orear, William Priestman, A. R. Perkins, D. A. Painter, Charles Park, W. S. Park, Charles Philbrick, M. C. Ryland, J. S. Ryland, J. H. Rymell, Peter Stewart, V. A. Stephens, J. H. Spurlock, E. J. Sweeney, C. C. Sparks, C. Settle, M. C. Spence, John Shobe, Andy Shobe, W. A. Sanders, E. Storm, C. E. Seeley, C. W. Seeley, A. Swansen, W. E. Tower, W. C. Trower, James Troutman, James S. Thompson, J. R. Wilhite, Arthur Wilhite, John Wilhite, W. J. Woolrey, A. M. Winslow, Jerry Wolf, Lester Wolf, A. Wolf, David Welsh, John L. Wilson, Henry Weill, Samuel Weill, J. A. Winstead, C. E. Wainscott, R. P. Yocum, W. H. Yency, Defendants, Appellants.

Now come the defendants, appellants and pray that the  
said order and decree for a preliminary injunction of  
78 the said Circuit Court of the United States, for the

55 western division of the western district of Missouri, for the errors assigned, be reversed, and that the said circuit court of the United States be ordered to enter an order dismissing the bill of complaint.

R. E. BALL,

I. P. RYLAND,

*Attorneys for Appellants, New York Life Building,  
Kansas City, Missouri.*

It is stipulated and agreed between appellants and appellee that the foregoing prayer for reversal may be filed in the circuit court of the United States for the western division of the western district of Missouri, and that the transcript of the record may be amended by adding thereto a duly certified copy of said prayer, and that such copy when so certified to the United States circuit court of appeals, shall be added to said transcript with like effect, as if same had been embraced in the original transcript.

R. E. BALL,

I. P. RYLAND,

*Attorneys for Appellants.*

JOHN R. WALKER,

*United States District Attorney for the Western  
Division of the Western District of Missouri,  
Attorney for Appellee, United States.*

UNITED STATES OF AMERICA, set:

I, Adelaide Utter, clerk of the circuit court of the United States for the western division of the western district of Missouri, do hereby certify that the foregoing is a true copy of the prayer for reversal and stipulation in the cause therein named, as fully as the same appears in my office.

Seal of the United States Circuit Court for the Western District of Missouri, Western Division.

Witness my hand as clerk, and the seal of said court. Done at office, in Kansas City, Missouri, this 26th day of August, A. D. 1897.

ADELAIDE UTTER, Clerk.

No. 989. No. 2196. United States circuit court, western division of the western district of Missouri. United States, plaintiff, against J.C. Anderson *et al.*, defendants. Certified copy of the prayer for reversal and stipulation in the above-entitled cause. Filed Aug. 27, 1897. John D. Jordan, clerk.

56 And on the twenty-fourth day of August, A. D. 1897, an appearance of counsel for the appellants was filed in the clerk's office of said circuit court of appeals in said cause in the words and figures following:

United States Circuit Court of Appeals, Eighth Circuit, May Term, 1897.

J. C. ANDERSON *et al.*, Appellants,  
*vs.*  
 THE UNITED STATES OF AMERICA. } No. 989.

The clerk will enter my appearance as counsel for the appellants.  
 R. E. BALL.

Endorsed: U. S. circuit court of appeals, eighth circuit, May term, 1897. No. 989. J. C. Anderson *et al.*, appellants, *vs.* United States of America. Appearance. Filed Aug. 24, 1897. John D. Jordan, clerk. R. E. Ball, counsel for appellants.

And on the twenty-seventh day of August, A. D. 1897, an appearance of counsel for the appellee was filed in the clerk's office of said circuit court of appeals in said cause in the words and figures following:

United States Circuit Court of Appeals, Eighth Circuit, May Term, 1897.

J. C. ANDERSON *et al.*, Appellants,  
*vs.*  
 UNITED STATES OF AMERICA. } No. 989.

The clerk will enter my appearance as counsel for the appellee.  
 JOHN R. WALKER,  
*U. S. Att'y, West. Dist. of Mo.*

57 Endorsed: U. S. circuit court of appeals, eighth circuit, May term, 1897. No. 989. J. C. Anderson *et al.*, appellants, *vs.* United States of America. Appearance. Filed Aug. 27, 1897. John D. Jordan, clerk. John R. Walker, U. S. att'y, Kansas City, Mo., counsel for appellee.

And on the fourth day of September, A. D. 1897, a motion to advance the cause and consent thereto was filed in the clerk's office of said circuit court of appeals in said cause in the words and figures following, to wit:

In the United States Circuit Court of Appeals, Eighth Circuit.

J. C. ANDERSON *et al.*, Appellants,  
*vs.*  
 UNITED STATES OF AMERICA, Appellee. } No. 989.

Now come the appellants in the above-entitled cause, by R. E. Ball and I. P. Ryland, their attorneys, and show to the court that the appeal herein is from an injunction granted by an interlocutory order of the circuit court of the United States for the western division of the western district of Missouri.

Wherefore the appellants move the court to make an order ad-

vancing said cause on the docket and setting the same for hearing in accordance with the provisions of section 7 of the act establishing circuit courts of appeals, approved March 3rd, 1891, and amendments thereto.

R. E. BALL,  
I. P. RYLAND,  
*Attorneys for Appellants.*

I agree that the foregoing motion may be sustained and the cause set for hearing at the session of the court, at St. Paul, beginning September 6th, 1897.

JOHN R. WALKER,  
*District Attorney for the Western District of Missouri,*  
*Attorney for United States, Appellee.*

58 Endorsed: 989. J. C. Anderson *et al.*, appellants, vs. United States of America, appellee. Appellants' motion to advance cause and consent of counsel for appellee. Filed Sep. 4, 1897. John D. Jordan, clerk.

And on the fifteenth day of September, A. D. 1897, in the record of the proceedings of said circuit court of appeals is an order advancing said cause in the words and figures following:

United States Circuit Court of Appeals, Eighth Circuit, May Term, 1897.

WEDNESDAY, September 15, 1897.

J. C. ANDERSON *et al.*, Appellants, }  
vs. } No. 989.  
THE UNITED STATES OF AMERICA. }

Appeal from the circuit court of the United States for the western district of Missouri.

This cause came on this day to be heard upon the motion filed by counsel for appellants to advance this cause on the docket and to assign the same for hearing during the present term of this court and upon the consent to such order, made in writing, by counsel for appellee.

On consideration whereof it is now here ordered by this court that said motion be granted, and it is ordered that this cause be, and the same is hereby, advanced to the docket of the present term and is assigned for hearing on Tuesday, October 5, 1897, after the cases now assigned for that day.

And on the twenty-fourth day of September, A. D. 1897, in the record of the proceedings of said circuit court of appeals is an order to certify certain questions to the Supreme Court of the United States in the words and figures following, to wit:

59 United States Circuit Court of Appeals, Eighth Circuit,  
May Term, 1897.

FRIDAY, September 24, 1897.

J. C. ANDERSON and Others, Appellants,  
*vs.* } No. 989.  
THE UNITED STATES OF AMERICA, Appellee.

Appeal from the circuit court of the United States for the western  
district of Missouri.

In this cause it is now here ordered that certain questions arising  
upon the record be, and they are hereby, ordered to be certified  
to the Supreme Court of the United States under the provisions of  
section six of the act of March 3, 1891, for the instruction of the  
said Supreme Court upon said questions.

The said certificate is in the following words, to wit:

United States Circuit Court of Appeals, Eighth Circuit, May  
Term, 1897.

J. C. ANDERSON and Others, Appellants,  
*vs.* } No. 989.  
THE UNITED STATES OF AMERICA, Appellee.

Appeal from the circuit court of the United States for the western  
district of Missouri.

The United States circuit court of appeals for the eighth circuit,  
sitting in the city of St. Paul, Minnesota, on the 24th day of Sep-  
tember, 1897, hereby certifies that from the record on file in said  
court, in case No. 989, entitled J. C. Anderson and others, appellants,  
against The United States of America, appellee, and which  
said cause is now pending and undetermined in said court upon an  
appeal duly taken from an interlocutory order of injunction made  
in said cause by the circuit court of the United States for the west-  
ern division of the western district of Missouri, the following facts  
appear, to wit:

That the appellants in said cause, one hundred and forty-three in  
number, who were the defendants in the circuit court, and against  
whom an order of injunction was entered by said circuit court, are  
each and all members of a voluntary, unincorporated asso-  
60 ciation known and designated as the "Traders' Live Stock  
Exchange;" that the government of said "Traders' Live Stock  
Exchange" is vested in a board of eight directors, all  
of whom are members of said exchange; that in addition to  
said board of directors the officers of said exchange are a  
president, a vice-president, a secretary, and a treasurer; that the  
business of said "Traders' Live Stock Exchange" is carried on  
and conducted by such board of directors and officers with the con-  
sent, knowledge, and approbation of the appellants, all of whom are  
members of said Traders' Live Stock Exchange, at the Kansas City

stock yards, situated in Kansas City, in the State of Missouri, and in the city of Kansas City, in the State of Kansas, and in a building owned by the Kansas City Stock Yards Company, which said building is so located that one-half thereof is situated in the State of Missouri and the other one-half thereof in the State of Kansas; that of the above-named appellants about one-half thereof have offices and transact business in said stock yards and in said building within the State of Kansas, and the other one-half of said defendants have offices and transact business at said building and stock yards in the State of Missouri.

That the Kansas City Stock Yards Company is a corporation which owns, controls, operates, and manages the Kansas City stock yards; that said yards are located in Jackson county, Missouri, and in Wyandotte county, Kansas, being located upon both sides of the State line between the States of Kansas and Missouri, and said stock yards consist of the yards, pens, chutes, railway tracks, sheds, scales, buildings, and other means and appliances for receiving, yarding, feeding, selling, purchasing, and shipping cattle, hogs, and other live stock; that the board of directors and officers of said live stock exchange, all of whom are parties to this cause, transact its business partially in the State of Missouri and partially in the State of Kansas.

That the Kansas City stock yards is a public market, and is one of the largest live-stock markets in the world; that a vast number of cattle, hogs, and other animals are received annually at said stock yards; that the animals so received are shipped from numerous States and Territories; that large numbers of animals received

at said stock yards are for sale upon said market, and many  
61 of such animals are sold at said yards to buyers who reside  
in other States and Territories, and who reship said animals  
to said other States and Territories, and that a large number of ani-  
mals which are received at said stock yards are shipped to Chicago  
and other markets in the East; that said animals so received at  
said stock yards are shipped thereto under contracts whereby the  
shipper is permitted to unload said stock at the Kansas City stock  
yards, rest, water, and feed the same, and is accorded the privilege  
of selling said animals upon the Kansas City market if the prices  
prevailing at the time justify such sale; that many head of ani-  
mals so shipped, as aforesaid, are sold upon the Kansas City market  
aforesaid; that a large proportion thereof, consisting of cattle, hogs,  
and sheep, are sold to packing-houses situated in Kansas City, Mis-  
souri, and in Kansas City, Kansas, and large numbers are sold for  
shipment to various other markets, particularly for shipment to  
Chicago, St. Louis, and New York markets, and large numbers  
thereof are sold for export to London and other European markets.

That The United States of America, the appellee, has employed  
and stationed at the Kansas City stock yards its inspectors who in-  
spect the live stock so received at said yards.

That in The course of business at the said Kansas City stock yards  
in the buying, selling, handling, and reshipment of cattle the said  
cattle are moved and shifted from that part of said stock yards

situated in the State of Kansas to that part of the stock yards located in the State of Missouri, and *vice versa*, according to the convenience of said stock yards company; that in the sale and reshipment of stock from said stock yards a portion are sold and shipped from the State of Kausas and a portion from the State of Missouri, the loading pens and sheds of said yards being situated in both said States and contiguous to each other; that said Kansas City stock yards afford to owners, shippers, and dealers in live stock the only available means at that place for handling, selling, and reshipping live stock and the only available market and place for those purposes within a distance of two hundred miles to the north, south, and east of Kansas City and for more than one thousand miles to the west

thereof, and that by reason thereof said Kansas City stock  
62 yards is the only available public market for the purchase  
and sale of live stock for a large extent of territory, constituting  
a portion of the States and Territories of the United States, and  
the only available means for the interchange of traffic in live stock  
between the States and Territories contiguous, as aforesaid, to Kansas City, Missouri.

That the appellants in this cause, who were the defendants in the circuit court, and each one of them and divers other persons, were, prior to the month of March, 1897, engaged as live-stock dealers at the said Kansas City stock yards—that is to say, in the business of buying upon the market, reselling upon the market, and reshipping to other markets in other States the cattle so as aforesaid received at the Kansas City stock yards from surrounding States and Territories; that it is and for years has been the daily custom and practice of said appellants and their associates and other persons in the conduct of their business to purchase and sell live stock in the State of Missouri which is at the time located at said stock yards in pens in the State of Kansas, and to purchase and sell stock in the State of Kansas which is at the time located at said stock yards in pens in the State of Missouri, and deliveries of such stock are made on such purchases and sales from the State of Kansas to purchasers in the State of Missouri, and deliveries of such stock are also daily made on such purchases and sales from the State of Missouri to purchasers in the State of Kansas.

That all the live stock shipped to and received at the Kansas City stock yards as aforesaid is consigned to commission merchants at said yards, which commission merchants take charge of said stock when it is received at said yards; that they sell said stock to the packing-houses located at Kansas City, Missouri, and Kansas City, Kansas, and they sell large numbers of cattle to the appellants herein and to other persons, who resell and reship the same; that the appellants herein to the number of one hundred and forty-three have agreed, combined, and conspired to prevent all other persons than the members of said Traders' Live Stock Exchange from buying and selling cattle upon the Kansas City market at the said Kansas City stock yards; that under the terms of said agreement commission firms, persons, and corporations to whom cattle are

63 consigned at Kansas City as aforesaid are not permitted and cannot sell or dispose of the cattle so consigned to them to any buyer or speculator at said Kansas City stock yards unless said buyer is a member of the Traders' Live Stock Exchange; that said appellants and each of them refuse to purchase cattle or in any manner engage or deal with or buy from any commission merchant who sells or purchases cattle from any dealer at said stock yards who is not a member of the said Traders' Live Stock Exchange, and that by means of the aforesaid agreement, combination, and conspiracy the traffic in cattle at said Kansas City stock yards is interfered with and hindered to such extent as to entail extra expense and loss to the owners and consignors of the cattle.

That in pursuance of the agreement and combination aforesaid the officers and board of directors of said Traders' Live Stock Exchange have, within the three months preceding June 7, 1897, imposed fines upon certain members of said live-stock exchange who had traded with persons or speculators upon the market at Kansas City, Missouri, and Kansas City, Kansas, who were not members of said live-stock exchange, and within the same period have imposed fines upon members of said live-stock exchange who have traded with commission firms at said Kansas City stock yards, which commission firms had bought from and sold cattle to speculators and other persons upon said market who were not members of said live-stock exchange.

That in associating themselves together under the name of the Traders' Live Stock Exchange the purpose and object of the appellants was and is to prevent and restrain all other persons who are not members of said Traders' Live Stock Exchange from prosecuting or carrying on the business of buying and selling live stock at said Kansas City stock yards, in which the appellants are engaged, and that the further aim and object had in view by the appellants in organizing the Traders' Live Stock Exchange was and is to prevent the sale by any commission firm at said Kansas City stock yards of any cattle to any person who might be a buyer or speculator upon the market unless he happens to be a member of said live-stock exchange.

And said United States circuit court of appeals further certifies that to the end that it may properly decide the questions 64 arising in said cause and presented by the record and assignment of errors therein, said court desires the instruction of the Supreme Court upon the following questions and propositions of law arising upon said record, to wit:

First. Do the facts above recited show that the appellants have violated any of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"?

Second. Do the acts done by the appellants and above recited show that the appellants are amenable to the process of injunction issued at the instance of the United States under and by virtue of the provisions of section four of the act approved July 2, 1890, entitled

"An act to protect trade and commerce against unlawful restraints and monopolies"?

Third. Is the aforesaid agreement and conspiracy between the appellants, as members of the Traders' Live Stock Exchange, to prevent all persons other than members of said exchange from buying and selling cattle and other live stock upon the Kansas City market at said stock yards in Kansas City, Missouri, and Kansas City, Kansas, a contract, combination, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, such as falls within the provisions and inhibitions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"?

In witness whereof the undersigned judges holding the said United States circuit court of appeals for the eighth circuit have hereunto set their hands this 24th day of September, A. D. 1897, at St. Paul, Minnesota, and ordered and directed that the foregoing certificate be filed in said circuit court of appeals, and by the clerk of said court duly forwarded to the Supreme Court of the United States.

(Signed)

DAVID J. BREWER,

*Circuit Justice.*

(Signed)

WALTER H. SANBORN,

*Circuit Judge.*

(Signed)

AMOS M. THAYER,

*Circuit Judge.*

United States Circuit Court of Appeals for the Eighth Circuit.

I, John D. Jordan, clerk of the United States circuit court of appeals for the eighth circuit, do hereby certify that the foregoing certificate in the case of J. C. Anderson *et al.*, appellants,  
65 vs. The United States of America, No. 989, May term, 1897, was duly filed and entered of record in my office by order of said court, and, as directed by said court, the said certificate is by me forwarded to the Supreme Court of the United States for its action thereon.

In testimony whereof I hereunto subscribe my name and affix the seal of the said United States circuit court of appeals for the eighth circuit, at the city of St. Paul, Minnesota, this twenty-fourth day of September, A. D. 1897.

[SEAL.]

(Signed) JOHN D. JORDAN,

*Clerk of the United States Circuit Court of Appeals for the Eighth Circuit.*

(Endorsed:) Filed Sep. 24, 1897. John D. Jordan, clerk.

United States Circuit Court of Appeals for the Eighth Circuit.

I, John D. Jordan, clerk of the United States circuit court of appeals for the eighth circuit, do hereby certify that the foregoing sixty-five pages contain full, true, and complete copies of all the

pleadings, proceedings, and record entries in the case of J. C. Anderson and others, appellants, vs. The United States of America, No. 989, May term, 1897, as the same remain on file and of record in my office.

Seal United States Circuit Court of Appeals, Eighth Circuit. In testimony whereof I hereunto subscribe my name and affix the seal of said United States circuit court of appeals, at the city of St. Louis, Missouri, this ninth day of November, A. D. 1897.

JOHN D. JORDAN,  
*Clerk U. S. Circuit Court of Appeals, Eighth Circuit.*

Endorsed on cover: Case No. 16,692. Supreme Court U. S., October term, 1897. Term No., 479. J. C. Anderson *et al.*, appellants, vs. The United States. Writ of certiorari and return. Office Supreme Court U. S. Filed Nov. 12, 1897. James H. McKenney, clerk.